California Journal

The Monthly Analysis of State Government and Politics

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THE DELTA BATTLEFIELD

The farmers' high-stakes gamble in the war over water

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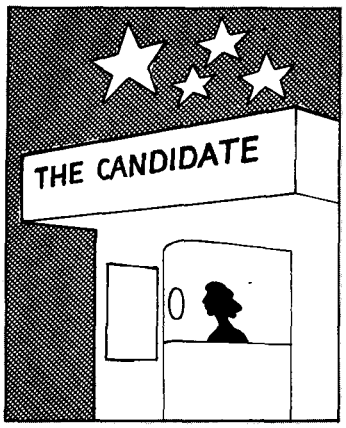
Personal PERSPECTIVE

By Ed Salzman



If you don't like what's happening in California, don't blame Jerry Brown and company in Sacramento. The important long-range decisions affecting life in California aren't made in Sacramento. They are made in the Beverly Hills Occupational Community.

The Hispanics of California will not be able to flex their political muscles by working Democratic and Republican vineyards; their key to success is the development of political charisma through the appearance of more Erik Estradas on prime-time television shows.

These are a couple of the themes developed by a team of Britishers who recently completed a one-year examination of the California phenomenon. Their analysis of California will soon be available in a book from Oxford University Press entitled *Media Made in California: Hollywood, Politics and the News*. To sociology professor Jeremy Tunstall and writer David Walker, almost everything in California can be explained in terms of the Hollywood connection — especially politics. For example:

"Hollywood has given California politics three kinds of gifts: former actors turned politicians; media skills to be put to use in politics; and a version of celebrity as a universal quality to be transferred between screen and hustings at will."

The Beverly Hills Occupational Community is the "golden ghetto" which provides the base of operations for the film-music-television conglomerates of America and lesser entertainment-industry operatives. Among other things, the Britishers accuse the powers that be in the B.H.O.C. of prejudice against Mexicans. They point out that the Hispanics who are allowed to shine on television are most often from Cuba (Desi Arnaz) or Puerto Rico (Estrada) rather than from Tijuana or Guadalajara.

Tunstall and Walker suggest that American perceptions of Mexicans will change if more Hispanics appear in the output of California-made entertainment programming . . . California and its media could educate the rest of the United States; in the future the Hispanics will be the leading minority, with the blacks only second."

They are equally rough on the newspapers of California, taking the *Los Angeles Times* to task for devoting only 24 percent of its space to non-advertising matter (compared to 42 percent for the *New York Times* and 30 percent for the *Washington Post*). And they claim that columnist Herb Caen of the *San Francisco Chronicle* "half-consciously peddles a daily diet of local mythology."

The obvious question is what would happen to California and its politics if for some reason the entertainment industry moved to Florida and abandoned the Beverly Hills Occupational Community. The fact is that the tactics of political campaigns would not change. The emphasis would still be placed on 30-second television commercials and slick direct-mail pieces. California would simply lose one of its major industries — the one which gives color and character to the Southern California desert. Politicians would have to spend more time wooing the magnates of other industries. Political campaign managers would still be trying to take advantage of every new development in the information revolution, especially cable television.

Even without the Hollywood connection, California would still be ruled by the reality that in the media world today, there is essentially no difference between the skills needed to be a successful actor or politician.

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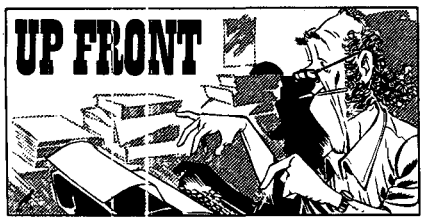

Mike Deaver, the "gatekeeper" for President Ronald Reagan, has told intimates that he plans to remain in Washington only about a year and a half before returning to California. Anybody want to bet whether or not he'll complete the term in the White House?

The word in the Legislature is that Associate Justice Mathew Tobriner of the state Supreme Court will retire in May. He'll be 77 next month. If the prediction is accurate, Jerry Brown will be able to name three new justices virtually at the same time.

Assembly Democrats are hardly sold on the plan to solve the state's fiscal problems through the split-roll property tax. Assemblyman Waddie P. Deddeh promised his home-town San Diego Chamber of Commerce that he would use his influence as chairman of the Revenue and Taxation Committee to kill the proposal.

If anybody keeps paper-blizzard statistics, it's a good bet that freshman Congressman Tom Lantos is breaking the record for the issuance of press releases.

There are so many political dinners these days that an enterprising fund-raiser, Joyce Taylor of Sacramento, thinks she can turn a profit selling a monthly calendar of upcoming events. The theory is that politicians will buy her service to make sure they do not schedule their functions on the same date as another officeholder.

The state may earn over $1 billion this year through the investment of funds on deposit with the state treasury. For the last fiscal year, the earnings were $874 million, an increase of almost $200 million over the previous year. On any given day, the state's Pooled Money Investment Fund has some $10 billion to place in interest-bearing accounts.

From the "Lascher at Large" column in the *State Bar Journal* (soon to be defunct) comes a direct quotation from an Inyo County divorce case: "Custody of the dog — This issue will be decided in accordance with: A. What is the dog's best interest . . . B. The age of the dog is sufficient to indicate that the desire of the dog regarding custody should be given consideration."

Table of CONTENTS

Cover Photo

Cover photo courtesy Eros Data Center, United States Geological Survey, Sioux Falls, South Dakota. The photo of the delta west of Stockton was shot by a U-2 aircraft at 65,000 feet.

Switch on the ditch 88

By Daniel J. Blackburn

The Farm Bureau has joined environmentalists to fight the Peripheral Canal, proving that politics and water mix strangely.

Redistricting's winners and losers 93

By Ed Salzman

Computers will second-guess the politicians this year as they carve 165 new legislative and congressional districts.

Whither the Berman brothers? 97

By Michele Willens

Wounded in the savage speakership battle, the Berman team is regrouping for new campaigns.

Environmentalists: endangered species?

"The thin green line" is in trouble financially and politically, both in Sacramento and Washington. In this special report, Anne Jackson assesses the environmental lobby's problems and offers an insider's guide to the state's major organizations. 99

The governor's surrogate brother 107

By Hal Rubin

The "mysterious" influence of Jacques Barzaghi on Jerry Brown may be simpler than the media make it appear.

Squeezing the 'juice' committees 109

By Delia M. Rios

Legislators scramble for seats on certain committees that guarantee big bucks from wealthy special interests.

The great cauliflower challenge 111

By Helen Manning

Who cares about the size of cauliflower shipping boxes? The state and industry do, and a major fight over regulations may lie ahead.

Political reform: one big yawn 113

By Tony Quinn

Bring back the smoke-filled rooms, say some experts who admit that financing and disclosure laws have failed badly.

Californelot 116

By Ed Salzman and Luana Luther

A previously untold fable about the wilywizards who found (and forgot) the answer to the evil Jargan.

Strictly opinion 96
Newsmakers 108
Charting the issues 118
Leo Rennert 119

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The Farm Bureau's big switch on the big ditch

'Why, he looks just like his grandpa!'

By DANIEL J. BLACKBURN

Mark Twain liked to recall the time he was walking up a country road, looking for his friend Henderson's house. He met a farmer and asked, "How far to Henderson's?" The farmer said, "A mile and a half." Twain walked farther, met another farmer, and asked the same question. Again the answer was the same. When the exchange was repeated with still a third farmer, Twain scratched his head and said, "Well, at least I'm not losing ground."

Water-developing interests in California probably don't share that particular view of Twain's in their quest to build the Peripheral Canal, which by now must appear to them like a desert mirage: Every time they get close, it fades and reappears far in the distance.

The concept of the canal has been around for a long time — a link to the 450-mile-long State Water Project that is described variously as "vital" or "unnecessary," depending on whom one talks to. It officially turned sweet 16 this year, this plan to move prodigious quantities of fresh water around the sprawling Sacramento-San Joaquin Delta. And, like all teen-agers, it is wracked with problems. Unlike other adolescents, however, the canal and its muddle of confusion won't clear up with time. Instead, it is likely to worsen.

Consider, for example, the recent action taken by a conglomerate of farm organizations, the California Farm Bureau Federation, which until recently was a staunch supporter of the canal and its immediate construction. The Farm Bureau, with only whispered opposition, voted to join forces with others in an attempt to negate Senate Bill 200 which authorized the canal's construction and capped a decade and a half of bitter political strife. The farmers' stance, enigmatic as it appears at first glance, is evidence of the labyrinthine conflicts in the objectives of all of the would-be beneficiaries of the canal's operation. The "united front" of political, agricultural, business and industrial interests that have so effectively laced the surface of the state with intricate water facilities over the last 50 years is cracking at the seams.

A battle of giants

Ever since 1959, when the Legislature passed the Burns-Porter Act and authorized building the State Water Project, engineers have perceived the need for some kind of "cross-Delta facility" to alleviate hydraulic problems caused by pumping from the Delta. In 1965, this proposal was identi-

Daniel J. Blackburn is a free-lance writer in Sacramento and former assistant to ex-Senate President pro Tempore James R. Mills of San Diego.

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fied as the ditch that would be called the Peripheral Canal, a 43-mile-long, unlined, man-made river skirting the southeast edge of the triangular region known as the Sacramento-San Joaquin Delta.

The canal's importance (according to proponents) can be attributed to the physical reality that without it, exports of water from the Delta will be sharply limited in both quantity and quality. Environmental interests and others who oppose in principle the canal's construction have found in it a relatively uncomplicated means of forcing the reduction of water exports from the north to the south. Thus it is upon the delicate turf of the Delta that a political struggle of giants will be staged. At stake is the future of California's water resources; the outcome of the struggle will set the pace for water management for years to come.

The current controversy revolves around the hard-won piece of legislation, SB 200, which finally emerged at the end of the 1980-81 session, authored by Senator Ruben Ayala, a Chino Democrat. Ayala makes no secret of the fact that the four years he spent seeking the legislation has wearied him greatly. The bill has two basic functions: It authorizes construction of the Peripheral Canal and supporting facilities, and it outlines environmental and other aesthetic protections that will be afforded to the Delta, its waters and the creatures of those waters.

Ayala's legislation is the culmination of a generation of political wrangling about an engineering opinion. That opinion holds that large quantities of water can be diverted from the Delta channels without doing serious damage to the Delta's water quality. Critics of the canal say that is impossible. Major water-developing interests — mostly from Southern California — describe SB 200 as "a good compromise bill," serving both Delta protection and improved export quality. Other observers insist the bill goes too far; still others say it will fall short of accomplishing what it promises. And anyone who thought the canal was just around the corner when Governor Jerry Brown signed the Ayala measure simply left before the ballgame started.

Cost of the canal — indeed, of all of the facilities said to be needed to complete the State Water Project — certainly is escalating, but it is next to impossible to get a solid grip on the true figures. The state Department of Water Resources pegs the canal's price tag at $1.3 billion by the time it is built and guesstimates that $10 billion will have been expended through the year 2000 for construction of the canal and related water storage and power generation facilities. It is becoming increasingly evident that all of those facilities will not be completed — some will not even be started — by the end of the century, and thus their costs virtually are imponderable.

A long-standing dream

Ronald B. Robie, director of the department, says he "won't even guess" about costs after the year 2000. "Everything in terms of construction is happening two years later than it was originally anticipated," says Robie. "With inflation the factor that it is, cost estimates are difficult to come up with."

For a project whose inceptive cost was $444 million, the canal now is in danger of becoming a plan too ambitious for the state to finance. This possibility, as much as any, has inspired in the canal's proponents a driving need to begin its construction.

Just what is this Peripheral Canal, and why is it tormenting so many people? Many years ago, state engineers envisioned the transfer of water from the rain-rich northern part of the state to the semi-arid regions south of Stockton, into the great central valley, to irrigate crops there.

Those dreams were quashed by the Depression, but the plans were sufficient to intrigue federal planners who eventually built the Central Valley Project, extending from Shasta Reservoir to the east and west sides of the San Joaquin Valley. It was not until 1960 under Pat Brown, that the state finally undertook a project of its own.

Cross-delta reference

As with any public works project, supporters of the State Water Project's construction had many reasons for lending their backing, but one was predominant: Customers of the federal project were bound by the 160-acre irrigation limitation, a stipulation which sharply reduced agricultural profiteering; customers of a wholly owned state project would not be so encumbered.

The state water transfer system would originate on the Feather River near Oroville, utilizing the channels of the Feather and Sacramento rivers before being pumped from the Delta into a series of aqueducts and tunnels for transport to Central and Southern California. Enabling legislation to begin construction of the State Water Project made reference to a "cross-Delta facility" that would be necessary at some point in the future, but it was not specific in identifying that project.

Water engineers, asked to describe the purpose of the Peripheral Canal, will liken the Delta to a bathtub, the drain of which is unplugged. Naturally, the water moves toward the drain. That represents the Delta's waters moving naturally out toward the Pacific Ocean, through the Sacramento and San Joaquin Rivers and into San Francisco Bay.

If (in the bathtub scenario) a *larger* drain, located at the tub's midsection, were to be opened suddenly, the water's flow toward the smaller drain would be radically altered. That is occurring now in the Delta, the result of the pulling of water from channels by pumping plants of the State Water Project and the federal Central Valley Project. In several instances, whole rivers have been stilled in their channels and then actually drawn in the opposite direction when the pumps at Tracy are turned on. The overall effect is a reduction of fresh water quantities reaching San Francisco, which in turn allows increases in salt-laden tidal waters within the Delta. When inadequate supplies of fresh water are entering the Delta from the east and southeast, and corresponding pumping of export waters is occurring on the south, more and more salt water rushes inland from San Francisco Bay. A point will be reached (some claim it already has been) when the pumps will begin sucking up an unsatisfactory mix of fresh and salt water.

According to its designers, the proposed Peripheral Canal would solve this problem by isolating the water intended for export, never allowing it to enter the Delta. Rather, the water would be removed from the Sacramento River at Hood, south of Sacramento, and carried in the canal in a southeasterly direction around the Delta to the Tracy pumping plants. Along the way, movable gates built into the side of the canal would allow release of water into specified Delta channels, there to "sweeten" water supplies and encourage good flows seaward.

Here's the quandary: Water diversions from the Delta will increase steadily, year by year, from now until 2020 or so, when demands will catch up with contractual-agreement limitations. Then both transport projects will be carrying maximum loads and all the water in them will be both claimed and utilized.

But long before exports could reach that level, the Delta (having been divested of its normal supply of incoming fresh water by the pumps) would have become intolerably saline, its waters unfit for Brussel sprouts or bourbon, bereft of fresh-water aquatic life and a mere shadow of its former self. Subsequent financial trauma would directly and significantly affect the operations of countless agricultural, business, industrial, municipal and governmental interests; en-

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suing litigation would make new millionaires of an army of lawyers.

All in all, it would be a thoroughly untenable circumstance that likely will not come to pass, simply because too many people have too much to lose if it does.

Following the logic of the project's designers, then, only two alternatives remain: Either less water is taken from the Delta directly in order to maintain a salt-free, high-quality product, or the Delta's channels are bypassed entirely, eliminating completely the threat of salt in water intended for export. The first alternative is considered inoperative; the state would be in apparent violation of water delivery contracts, and attorneys on all sides of the canal question agree that possibility would benefit no one but the lawyers. The second alternative is called the Peripheral Canal.

This mindset resulted in passage of Ayala's SB 200 and Brown's ready signature of the bill into law. But the road taken by the canal's backers last year through the tangled jungle of the Legislature was a freeway by comparison to what lies ahead.

As the legislation passed through its transitive stages, it generally was supported by those people who wanted to see the Peripheral Canal built, and opposed by those who feared the possibility of its existence. The lines were clear; the enemy was clearly visible, there for all to see.

Four years ago, Ayala (who has become the somewhat reluctant champion of the Big Ditch That Points South) introduced a series of bills that would have also given state sanction to the canal's construction. Safely padded with generous environmental protections for the Delta, that particular effort attracted the more conservative of environmental groups which — somewhat surprisingly — endorsed it.

Backpedaling and blending

It was at that precise moment that the identities of the canal's proponents and opponents began to blend. Agricultural interests, always supportive of irrigation practices, took one look at the Sierra Club praising the alleged canal bill and began to backpedal, convinced that political support from the environmentalists translated into some fatal flaw in Ayala's legislative offering. The bill failed.

During the last session of the Legislature, Ayala agreed, after some coaxing, to introduce another measure to build the canal. This time, in deference to agricultural interests south of the Delta, certain critical dry-year criteria were deleted from the bill. That action had the effect of substantially reducing the level of environmental protection that could be given the Delta during periods of "drought" or diminished rainfall.

Even with these consumptive environmental provisions removed from the bill, large-scale agricultural consumers were unsatisfied. Fearing that use of the Peripheral Canal in dry years to "sweeten" Delta channels with injections of fresh water would deprive them of supplies, farmers were openly reluctant to support SB 200. But in the end they did endorse it, to preserve the traditional unity of the developing interests and to keep alive the ever-receding vision of the Peripheral Canal.

After the more stringent environmental considerations were blue-penciled from Ayala's bill, a trailer bill was conceived by Senator John Nejedly and written to place Delta protection into another area of California law.

Governor Brown threatened to veto Ayala's SB 200 (which at the time seemed certain to pass legislative muster) unless lawmakers also endorsed the trailer bill. Agricultural interests, which had been watching the governor with mounting suspicion, roared indignantly with a single voice. The final result: Farmers 1, Delta protection 0. Brown signed SB 200, during a televised and widely publicized ceremony in downtown Los Angeles, and the Legislature quietly disposed of Nejedly's trailer bill.

The organized farmers were still; instead of celebrating the apparent political victory, they were watching another approaching threat. The concept that had been destroyed legislatively in the form of the trailer bill suddenly surfaced as an initiative proposal on last November's ballot. It was popularly known as Proposition 8.

'Stone-cold' crazy

Lending credence to the notion that mass environmental consciousness is not yet dead in the California voter, the electorate passed Proposition 8, giving significant protection to the Delta and appearing to impair future development of several North Coast rivers including parts of the American, Eel, Klamath, Trinity and Smith.

And — almost simultaneously — a petition successfully circulated statewide, qualifying for a future ballot a referendum to invalidate the action of the Legislature in passing SB 200, the canal bill.

The wave of political adversity startled the leadership of the California Farm Bureau Federation, a Sacramento-based conglomerate including 54 county farm organizations and a reported 10,000 individual members. The state Farm Bureau, vociferously supportive of the Peripheral Canal concept, began through its spokesmen to voice concerns about the political atmosphere, even going so far as to say that SB 200 as written and signed by Governor Brown would deter, rather than facilitate, construction of the Peripheral Canal. In addition, Proposition 8's protection of northern streams from additional development gave rise to the theory (one that may prove to be true) that water supplies would eventually become limited to the point where the canal would exist, but water to put in it would not.

The scenario was too much for the Farm Bureau Federation to bear. Publicly reconfirming its support of the canal, the Farm Bureau decided to take a gamble of epic proportions and to throw its considerable political and economic clout into the effort to defeat the canal via passage of the referendum. Then, hearts full of optimism, the farmers would head back to the Legislature to ask for a new canal bill without those pesky environmental excesses.

"They're crazy — absolutely, stone-cold crazy — if they think they can get lawmakers to give them a bill that doesn't take care of the Delta, right after the voters have said to do that in a major election," says a Senate insider begging anonymity because "I still have some work to do with these people."

His words may be terse but his message has merit: If a Vegas highroller played the same kind of odds on the same kind of hunch, he'd be escorted to the door by management.

Part of the Farm Bureau's logic revolves around the fact that if Ayala's bill is repudiated at the polls, Proposition 8 also becomes invalid, because the public-works project it now seeks to regulate would no longer be an authorized state project. After gaining that, Bureau officials reason, the business of building a canal carrying water for crops and not a lot of other silly purposes would proceed.

The Farm Bureau's action has divorced the group from the traditional, familiar assortment of canal supporters: business, industrial and governmental agencies with Southern California-oriented clout. It has created a strange new alliance for the Bureau with those who oppose the canal: environmentalists, Delta farmers and many Northern California interests. *The Sacramento Bee* described the Farm Bureau decision as "throwing out its Peripheral Canal baby with the bathwater of Proposition 8."

The farmers' support of the anti-canal referendum also aligns them with the California Cattlemen's Association, which takes a similar stand in contending that SB 200 com-

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plicates rather than speeds construction of the canal. Together, the farmers and the cattlemen form the nucleus of a ragtag band that is about to engage in battle a coalition awesome in its composition: the Metropolitan Water District of Southern California, the Agricultural Council of California, the Association of California Water Agencies, the Association of State Water Project Agencies, the California Chamber of Commerce, the Council for Economic and Environmental Balance, the California Municipal Utilities Association, three major labor groups including the Teamsters, Kern County and San Diego water agencies and other water-oriented groups from around the state. While it is true that membership in the Farm Bureau often overlaps

into some of the latter organizations, the Bureau doesn't realistically stand to pick up a whole lot of support for their position.

Farm Bureau President Fred Heringer thinks the stance taken by his group is entirely logical, pointing out that passage of Proposition 8 "locks into the California Constitution Delta standards that have no flexibility." In other words, no adjustment in controlled Delta outflow could be made, even during future dry periods, without subsequent voter approval or a two-thirds vote of the Legislature. Heringer also admits to his concern over Proposition 8's "over-protection" of the northern streams.

In an orchestrated public relations campaign, Heringer signed "letters to the editor" and wrote guest editorials for newspapers all over the state, emphasizing the Farm Bureau's position that "we do not feel we should bankrupt our future by locking up the north coast rivers as the price for securing the Peripheral Canal." Heringer says that "options must be left open" for future water development and asks, "Can a state that relies so mightily on water development turn its back on planning beyond the year 2000?"

Heringer pointed out in the publicity package that the argument of the Farm Bureau is not with guarantees for the Delta: "We believe they are justified and in fact already assured by the language of SB 200." Instead, he noted, restrictions on north coast development is the problem. (The "assurances" for Delta protection are indeed contained in SB 200 — but Heringer and the Farm Bureau are trying to repeal the bill.)

Ayala, nettled by the public relations campaign of the Farm Bureau, shot off a letter to Heringer, citing his belief that "conventional water development in California is in a state of chaos" and hinting broadly that the Farm Bureau's recent activities have contributed to that state of affairs.

"Politics," wrote Ayala, "is the art of compromise. Agriculture has 95 per cent of the (water) pie via SB 200. The 5 per cent they do not have relates to making water development on the north coast subject to a two-thirds vote of the Legislature in lieu of the present majority requirement. This language appeared in Proposition 8. It was supported by myself and Southern California water interests for one reason and one reason only. We did not believe that Governor Brown would have signed SB 200 if protection of the north coast did not appear in Proposition 8. No signature, no pie. By my standards, 95 per cent of a big pie is better than 100 per cent of no pie."

The governor's surprise

Despite Governor Brown's embrace of SB 200, his popularity with canal proponents was short-lived, because the ink was barely dry on the bill before he was appealing to the federal government to include those very same northern rivers in the National Wild and Scenic Rivers Act. The Farm Bureau — and a host of others — perceived Brown's action as though he had told them, "Okay, boys, you can have your canal, but you can't have any more water to put through it."

But Brown's action was perfectly consistent with his past statements on the subject. Resources Agency Secretary Huey Johnson has convinced his boss that the canal can be justified only on the basis of Delta protection and satisfaction of current water supply obligations. Thus its use in future years to wheel new supplies of water to new, yet-to-be-irrigated croplands would be jeopardized, if not out of the question.

Outraged, the pro-canal forces fanned out into the judiciary, emerging with a pair of injunctions forbidding then-Interior Secretary Cecil Andrus from acting on Brown's request for federal protection of the northern rivers. Interior lawyers returned fire by successfully overturning the injunctions, and Andrus was able, in a last-minute, drama-packed flurry, to make his final official function the designation of 1,235 miles of Northern California rivers as "wild and scenic" and thus out of reach of the dam builders. (An attempt has been commenced to seek reversal of Andrus' order by President Ronald Reagan.)

Whatever the outcome of the new federal order, Brown shut himself off forever from the affection of some of the canal proponents by making the appeal in the first place. Some key members of the farming community's political leadership say that their dislike for the governor, and their suspicions of his motives, would be reason enough to work for the repudiation of SB 200.

The pro-canal coalition has not disintegrated with the departure of the Farm Bureau Federation, nor is it terribly weakened, says William Fairbank Jr., lobbyist for the Metropolitan Water District of Southern California. Fairbank maintains that the farmers will return to the fold after they begin to understand what's going on.

Fairbank says efforts are being made toward that end: "With continued discussion, the fears of those who have these very strong convictions that we (the coalition) have agreed to something completely inflexible will be dissipated. Everyone will get back on board and say, 'Time is wasting, let us get on with the job of building the canal.' "

Fairbank, whose tenure in Sacramento for the MWD started with the original State Water Project back in 1959, is blunt in his analysis of the political acumen exhibited by the Farm Bureau: "It is my belief that — as is typical with the Farm Bureau — they have not had the opportunity to go fully into the ramifications. They are going entirely by gut reactions coming from their water committee, and the pre-

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domination of their thinking centers around the taking away of north coast waters. Their understanding of the main issues is in error."

Fairbank said the educational process for the farmers is a priority. "Our whole objective is to get everyone fully comprehending what the language of SB 200 really means, and what the language in Proposition 8 really means."

During the period immediately following passage of Proposition 8 (which was endorsed by the Metropolitan Water District), efforts were made to keep the Farm Bureau from peeling off from the coalition. Crucial to those efforts were arguments that the simple change from a majority to a two-thirds vote of the Legislature to further restrict development of the north coast rivers was "not that serious."

"California wants to control its own destiny," says Fairbank. "It doesn't of course want anything in the federal system. We want it to be controlled by the Legislature and by the people of California. If one reads SB 200, one sees that the bill's supporters all agreed in the consensus that for the immediate future we are concentrating on developing the surplus waters of the Sacramento Valley to impound either above or below the ground's surface.

"The coalition is suggesting very strongly that reclamation, conservation and the conjunctive use of ground water south of the Delta is a complete part of our plan, and that until we fully explore that, we won't go to the north coast. We won't need to go to the north coast, because the engineering and financial facts are that these other ways are a lot less expensive (than north coast development)."

Fairbank says that the coalition — including the Farm Bureau — agreed not long ago that these alternative steps would be taken during the next 15 years and "if those prove to be unfeasible, then we are all together in saying that the only place left to go is the north coast. As a consequence, we don't see that we are writing off the opportunity to develop the north coast at all, but today just isn't the day."

The argument failed, Fairbank contends, when Brown petitioned Andrus to take the north coast rivers under the federal wing. "With all of the discussions that we all have had with the governor's office, no one had any idea whatsoever that the governor would take that step. Quite to the contrary, we had made very clear to the governor that in the process we were keeping control of the north coast rivers in the hands of the Legislature and the people of this state. And when he shot off that letter to Andrus, he completely destroyed the confidence of many in him. We at Metropolitan were shocked, and we said so."

Farm Bureau Federation President Heringer takes umbrage at the suggestion that his organization made its choice to oppose SB 200 without all of the facts. "We think the integrity of the State Water Project is non-existent without having access to the water of the north coast, and so we think we should just start over at this time by defeating the Peripheral Canal bill," he says.

The farmers, linked arm-in-arm with their new allies, the environmentalists, will take their case to the voters. If the governor does not call for a special election, the referendum to repeal SB 200 will be on the June 1982 ballot. If the referendum passes, the farm lobby will then throw its support behind new enabling legislation that it — and not Southern California interests — has written.

'Let's proceed'

Fairbank believes that the pro-canal coalition will prevail. A glance at its membership (in addition to those already listed) alleviates any question one may have about its political muscle: the Newhall Land and Farming Company, the Irvine Ranch Company, Rockwell International, Security Pacific Bank, Bixby Ranch, Pacific Lighting, Southern California Edison, Fluor Corporation, Pacific Mutual Insurance, Mission Viejo Land Company, Union and Getty Oil.

The coalition plans to spend several million dollars to gain voter sanction of SB 200, but failing that, other alternatives remain. Fairbank explains: "Most of us who favor the canal believe SB 200 was not necessary, that the Burns-Porter Act of 1959 provided the necessary authority — which could have in the past been exercised but was not — to proceed with the Peripheral Canal's construction. After the people have made up their minds, and should they decide to turn down what the Legislature has done, then the real thrust as far as contractors and the state of California are concerned would be to say, 'Forget the legislation, proceed with the Peripheral Canal.' We have the authorization to do that; we always have said that. This would be done even if concurrently someone was running another bill to authorize the canal all over again. It would strike me that the thing to do is to go to the Department of Water Resources and say, 'Let's proceed.' "

Fairbank says criticism of MWD is unfounded: "We are being consistent in our position. We truly mean what we said 20 years ago, that this project was going to be developed in the interest of all of the people of California, with full protection to the areas of origin. We have adhered to that proviso in every way, shape and form, and we are now being condemned for the reiteration of our support for the protection of the north through Proposition 8."

Question of quantity

MWD representatives indeed were saying that two decades ago, but their interest in the Delta's maintenance came much later — early in the '70s — when it became clear that political considerations would probably always require such environmental protection, and that it was in the best interests of MWD to support such a position.

That decision — to agree to the provision of sometimes-large quantities of diversions of fresh water into the Delta during dry periods — rankles agricultural interests south of the Delta who foresee "their" water being used for purposes other than irrigating their crops.

Because of the attention focused on water quality in the Delta, the question of quantity too often is ignored, but it is this latter issue that complicates rational discussion. In years when precipitation in the northern part of the state is "normal," storage rservoirs are full and the only limitation on water deliveries is the lack of facilities to make those deliveries. In dry periods, however, the situation is reversed: There is insufficient water to place into the conveyance system.

The answer to this problem, as proposed by developers, is additional construction of dams and storage reservoirs. And the only rivers in the state where such extensive supplies are available are on the north coast.

In the end, however, one unalterable truth will emerge: There is not enough water in California to make everyone happy, nor will there ever be enough. Those who achieve and maintain control of future supplies will have done so through brute strength. That is how it always has been.

Like Mark Twain's search for Henderson's place, no real ground is being lost by proponents of the canal, nor has any been lost during the endless efforts to start construction of the project during its 16 years as an official proposal. But after countless words, agreements and arguments, the canal is no closer to reality than it was at its inception in the early 1960's. And if it ever is to be built, it may be on the basis of legal authority that allegedly has existed all along. Judges — not voters — may have the ultimate say in the matter of the Peripheral Canal.

Twain was right in something else he said: Thunder is good, thunder is impressive, but it is lightning that does the work.

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Winners and losers in drawing district lines

By ED SALZMAN

In days of old
when men were bold
and computers weren't invented,
they drew their lines
'round traps and mines
and went back home contented.

That cleansed version of a ribald old ditty gives a hint how the Legislature handled the redistricting of congressional and legislative districts following each census. Lawmakers weren't required to pay much attention to city or county lines. Nor did the details of census figures mean much prior to the United States Supreme Court's one-man, one-vote decision. It was strictly hardball politics. The party in power rewarded friends and punished enemies.

Those days are gone forever. Now, population data must be taken strictly into account, and only the slightest variation between districts can be tolerated. There are rival data banks with the capacity to describe the political characteristics of a proposed district with the mere pushing of a few buttons. And Proposition 6 last June makes it more difficult than ever to draw illogical districts strictly for the advantage of a party or a politician.

Within the next few months, legislators and technicians will be blending their interests in an effort to draw new lines for the state's 45 congressional and 120 legislative districts. Among the considerations:

- **Population.** Over the past 10 years, there has been a significant shift of population in the state — away from the city centers into suburbia and the foothills.
- **Ethnic groups.** Blacks and Chicanos are seeking more representation, even though they are concentrated in areas that have been losing population.
- **Party perspectives.** Democrats are in control and they don't want to see their advantages eroded. But Republicans have weapons of their own, including the threat of court challenges and even a referendum.
- **Personal safety and ambition.** For some elected officials, reapportionment is an opportunity to advance to a higher office. For others, it provides a chance to solidify incumbency. No one wants to be weakened, but there are always at least a few victims.

Into the open

The reapportionment process has come into the open in recent years because of the availability of computer data and the weakening of political leadership in the Legislature. Years ago, the leaders of the Legislature went to work even before census figures were available, putting together enough satisfied legislators to ram a redistricting bill through each house even over the opposition of a governor. That process fell apart in 1971 when Republican Ronald Reagan blocked any Democratic plan, and the lines were eventually drawn by the state Supreme Court.

In the Legislature, the Elections and Reapportionment Committees are headed by Assemblyman Richard Alatorre and Senator Dan Boatwright, both experienced political animals. The key staffers will be Democrats Alan Rosin for the Senate and Jim Tucker for the Assembly and Republicans Pete Bontadelli for the Senate and T. Anthony Quinn for the Assembly. Until recently, Tucker was a lobbyist for the American Civil Liberties Union and Quinn was a member of the state Fair Political Practices Commission. Quinn has close ties to the Rose Institute at the Claremont Colleges. Rose is under contract to a business organization, the California Roundtable, to develop a "fair" redistricting plan for the state. That plan will undoubtedly be employed by legislative Republicans in the bargaining with Democrats.

By tradition, each house of the Legislature is allowed to develop its own districts with a minimum of interference from the other house. (There are always Assembly members, however, angling for Senate lines that are favorable to them.) The congressional districts are developed by a different process. The delegation in the House of Representatives engages in a bargaining process with the Legislature. One problem is that some legislators want to draw congressional districts for themselves, and a growing state like California always has the prospect of districts without incumbents every 10 years. The key redistricting specialist in the House delegation for many years has been Democrat Phil Burton of San Francisco. He will be the chief negotiator for

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the Democrats, with Vic Fazio of Sacramento getting a piece of the action. The Republicans have designated Jerry Lewis, Bill Thomas and John Rousselot as their liaison team.

The first problem for the mapmakers is adjustment to the statistical facts of life: Los Angeles and San Francisco will lose representation. Gains will be made by the counties surrounding Los Angeles and by San Diego County and the non-urban areas of the north. Specifically, here are the issues facing the Legislature in drawing lines for the 175 districts:

HOUSE OF REPRESENTATIVES

The blow to the urban areas was softened by the fact that the California delegation will grow by two seats to 45 as a result of the census. This means that Los Angeles will lose one seat, which will probably reappear in the Riverside-San Bernardino area. The San Diego-Orange area will pick up one seat, as will suburban-rural Northern California.

In San Diego, the district of Republican Clair Burgener is 65 percent oversized. The surprise election of Republican Duncan Hunter in a previously Democratic district provides an opportunity for the Legislature to create three Republican districts in the county plus a new one for a Democrat, possibly Assemblyman Wadie P. Deddeh or state Senator James Mills.

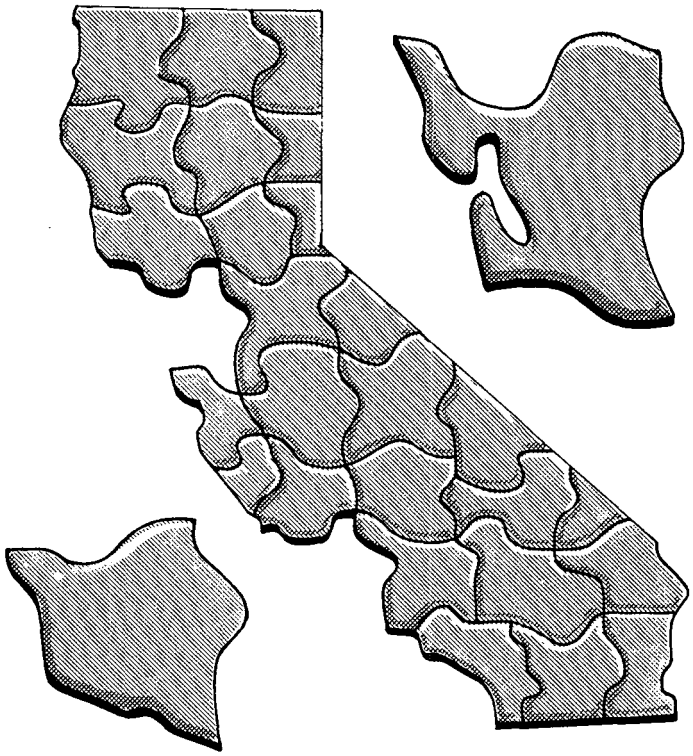
In Los Angeles, the major question is which seat will be shredded. A likely victim is Republican Robert Dornan, who represents a coastal strip which could be sliced several times. There would then be a ripple effect that would allow all the other House members from Los Angeles County to have reasonably safe districts. The one exception would be Democrat Glenn Anderson, who presumably would pick up the heavily Republican Palos Verdes Peninsula from Dornan.

Assembly Speaker Willie Brown has called for the creation of a second Chicano district in Los Angeles. Should that be attempted, it could come only at the expense of Democrat George Danielson. And Senate President pro Tempore David Roberti has indicated that he will not allow Brown to dictate such an arrangement.

The San Bernardino-Riverside area provides two challenges: Incumbent George Brown Jr. of San Bernardino looks vulnerable, and efforts will be made to make his district safer — a difficult assignment. Also, Riverside County does not now have a resident in Congress, and that is likely to be changed. As a result, there should be a complete revamping of the seats in the so-called Inland Empire, which is entitled to an additional half-congressman as a result of population growth.

In Los Angeles County, first-termer Bobbi Fiedler would probably be extremely vulnerable next year in her present district. She can be saved by moving her into the oversized district now represented by fellow Republican Barry Goldwater Jr. Similar exchanges of territory will be made as districts in Los Angeles push outward and Democrats grab every pocket of support in order to maintain their strength in the county.

In Northern California, the major problem is the fact that San Francisco has lost the entitlement to one-quarter of a congressional district. Phil Burton has the basic San Francisco district, while his brother, John, has a district that extends north of the Golden Gate into Marin and beyond. The problem is that John can be endangered if he is forced to give up much San Francisco territory. He could move into the Petaluma-Rohnert Park-Cotati area of Sonoma County or even into Solano County. In any event, his district would not be anchored in San Francisco any longer, and he could face rough re-election campaigns, as he did last year. An alternative approach would be to push Phil Burton south into San Mateo County. But that would endanger Democratic freshman Tom Lantos, who needs to pick up more voters even without that pressure. Lantos is expected to get the East Palo Alto-Stanford region, but he can't afford to take the hard-core Republican areas now represented by the GOP's Pete McCloskey.



Within Santa Clara County, a safe Republican district can be retained by pulling GOP voters out of the oversized constituency of Democrat Norman Mineta, who would be helped by such a move.

In Alameda County, there will be a southward push that could cause Democrat Pete Stark of Oakland some problems. Stark will lose some of his loyal liberal Democrats to Ron Dellums. Overall, Alameda County will not lose representation because it already shares a district with Santa Clara County.

A major question will be where to locate the new Northern California district. It could go in the central valley or in the wide-open spaces north of Sacramento. In any event, there will be general shrinkage in the size of valley, foothill and mountain districts.

STATE SENATE

Changes in the 40 Senate districts will be more subtle. It is even possible to prevent the loss of a Los Angeles-based seat in the Senate despite census statistics showing that one must go. This can be accomplished by moving some Los Angeles incumbents — Ollie Speraw of Long Beach and Ed Davis of Chatsworth, for example — into Orange and Ventura counties. Another alternative would be to collapse one Senate district in Los Angeles; the seats of Republican Speraw and Democrat Ralph Dills of Gardena are under discussion.

Generally, the pushing of districts from Los Angeles will work to the advantage of the surrounding counties and San Diego. But few, if any, incumbents need be endangered.

In Northern, California, Republican Senator Milton Marks of San Francisco will undoubtedly be moved across the Golden Gate to Marin County. Marks, perhaps the

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state's champion campaigner, probably could win anywhere in the north. This would leave a safe Democratic seat for John Foran in San Francisco.

South of San Francisco, there are two Republican incumbents — Marz Garcia and Dan O'Keefe — without enough GOP voters to make them both safe. It remains to be seen whether they will share the Democrats and both remain vulnerable or whether one of them will be blessed with most of the available Republicans.

In the Sacramento area, the major decision is what to do about freshman John Doolittle, who has a traditionally Democratic constituency. He could easily be saved by an exchange of territory with Democrat John Garamendi. Republican Jim Nielsen also would like to have a safer seat, and it would be possible to accommodate him.

Through the pushing of districts from the core toward the hinterlands, those Democrats who now represent fringe areas adjacent to Republican strongholds might become endangered. In Los Angeles, liberal Democrats Alan Sieroty and David Roberti probably will be weakened. On the other hand, Democrats Bob Presley and Ruben Ayala might pick up better seats because Riverside and San Bernardino counties have grown enough to allow for a skillful carving of territory.

If it is decided to collapse a district in Los Angeles, it would reappear in the San Diego-Orange area. Otherwise, districts would push south from Los Angeles, starting with the movement of Speraw into Orange.

ASSEMBLY

The Assembly poses the most difficult redistricting problem for the Legislature. The statistics show that Los Angeles County is entitled to three fewer members of the 80-seat house. All 28 Los Angeles-based seats cannot be saved, and the question is which incumbents will be sacrificed.

One of the three seats can be saved through the process of rippling. That moves Republican Dennis Brown of Long Beach into Orange County, Republicans Cathie Wright and Marian LaFollette into Ventura County, and Democrat Jim Cramer deeper into San Bernardino County.

That leaves two to go. Some Democratic strategists want to fold two Republican districts in the core area — with Gerald Felando and William Ivers as the obvious targets — and then establish two safe Republican districts in the outer areas of the county. This would leave the party balance intact and preserve all incumbent Democrats. The Republicans would prefer to fold one member of each party, with freshman Dick Floyd of Gardena an apparent target. (Other possibilities: Sally Tanner of El Monte and Dave Elder of Long Beach.) The GOP argument is that this arrangement allows the Democrats to maintain stronger registration in their core districts.

Had Mike Roos not emerged a big winner in the speakership contest, the district of the Democratic majority leader would have been a logical one to eliminate. By carving up Roos, the pressure on black, Chicano and Jewish districts could have been minimized. But Roos will get what he wants, and some of the minority districts will be weakened.

The Democrats will be forced to concede a Republican district in the Orange-San Diego area even after moving Brown south. All three Democratic incumbents in San Diego county — Deddeh, Peter Chacon and Larry Kapiloff — cannot be given safe districts. Deddeh and Kapiloff hold their seats more through personal campaign skills than through party loyalty.

What happens in the growing Riverside-San Bernardino area depends on how Cramer's district is constructed. If he is taken out of Pomona, as seems likely, the Inland Empire problem is settled. Republican Phil Wyman, who represents the desert region known as the redistricting "leftover" district, could pick up any stray voters from San Bernardino-Riverside. But his base will be the rapidly growing northeastern corner of Los Angeles County.

In Northern California, the main problem is the need to eliminate a district in San Francisco. It is generally assumed that former Speaker Leo McCarthy will volunteer to have his district axed because he is planning to run for a statewide office next year or to accept a judicial appointment.

Perhaps the trickiest problem in the north was caused by the election of two Republicans, Bill Baker of Contra Costa County and Gib Marguth of Livermore, to seats formerly held by Democrats. Now, the Republicans want to carve safe districts for both of them, a near impossibility because there is little Republican territory in Alameda County. However, an effort will be made to provide Marguth with an imaginative district that gives him some hard-core GOP precincts in Contra Costa County and some low-loyalty Democrats in Fremont. Even with that, Marguth cannot be considered safe, and he can expect strong opposition.

The seat abolished in San Francisco would reappear in the fast-growing valley-foothill region centered in Sacramento. There are numerous ways the Sacramento region can be sliced, and one major consideration will be the vulnerability of Republican Jean Moorhead and Democrat Norman Waters. Both could stand strengthening. A major goal of the Democrats will be to construct this new district so that it will go Democratic without endangering any incumbents, such as recount-winner Pat Johnston of Stockton. This can probably be accomplished by throwing as many Republicans as possible Moorhead's way.

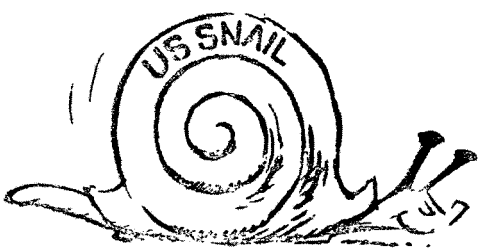
The Sacramento-area situation shows that even in an era of computers, it is possible to construct districts so that the lines avoid the traps and mines.

Wonder where the Journal went?

It is supposed to be a joke: The reason postal rates are so high is because it costs so much for storage.

Now let us tell you a not-so-funny true story: The January issue of the **California Journal** was delivered to the Sacramento Main Post Office on December 23rd. It was delivered to subscribers in the 95831 zip-code area of South Sacramento on January 26th. That works out to about 440 yards a day. We are protesting, and we hope you will help us prevent this from happening again.

If you received this issue after March 1st, please call your local post office and complain. (It was mailed on February 20th and 21st.) Or call or write us. We'll forward all complaints to the postal "service."



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STRICTLY OPINION

*With this column, the **Journal** provides a forum for those wishing to express opinions on California political issues. Inquiries about future columns are encouraged.*

'Super-city' states

By DAN O'KEEFE

The proposed constitutional amendment to grant two Senate seats and some House seats to the District of Columbia may soon come before the Legislature. I feel that this proposal presents many serious constitutional and political flaws, however well-intended its sponsors may be.

The claim of the amendment's sponsors is that the District of Columbia is unique in the United States because its residents do not have anyone representing them in Congress. This is frequently referred to as "taxation without representation," in an analogy to the battle cry of the American Revolution.

For 200 years, residents of D.C. have had no representatives or senators in Congress, and for a very good reason: The framers of the Constitution intended it to be that way. The framers felt that the District should be a "federal enclave," a politically neutral city. Clearly the District is not a state by any stretch of the imagination, and yet the Constitution provides that only "states" may have representation in Congress.

The purpose of granting representation only to the states was three-fold: to enable the states to preserve their sovereignty within the union, to afford states the opportunity to have their own diverse interests properly represented in federal law-making, and to provide a balance against the interests of the federal government.

If the District of Columbia were to be granted Senate and House seats now, this purpose would be thwarted. First of all, the District is not a sovereign state but a city. It does not possess any of the sovereign attributes of statehood; it does not have its own legislature or governor or state government. Secondly, the District does not have any diverse interests to be represented in Congress; rather, because the vast majority of D.C. residents are working for the federal government, the paramount interest that would be represented by their elected officials would be that of the federal government. In effect, the federal bureaucracy would increase its power to affect legislation in the Congress. At a time when people all over the country are crying out for less government, this proposal would have the effect of increasing the federal bureaucracy. In effect, a senator would represent federal agencies.

Another consequence of this proposal would be to dilute the power of each state's current senators and members of Congress. Their vote would be weakened because it would be offset by the D.C. senators' and representatives' votes. This effect would be particularly acute in the Senate, where each state has only two senators. A senator from the District, representing only 700,000 residents, would have the same voting power as the Senate delegations from New York or California, representing millions of residents. If a political unit such as the District of Columbia is to be given a senator, why could not other political entities that are not states, such as the County of Los Angeles, or the City of New York, demand similar treatment?

From another perspective, if the receipt of federal largesse is any measure of representation, surely the District of Columbia does not suffer from the lack of representation or influence in the Congress. In terms of per capita spending by the federal government, the District receives more than three times as much federal aid as any other state except Alaska, and more federal aid than any other city except New York City. In fact, the District is adequately represented in the Senate and the House by the special "district committees," which take care of the District of Columbia's needs. It is highly questionable to assert that District residents are mistreated by "taxation without representation."

If the constitutional amendment is ratified, it would cause yet further problems of a constitutional nature. Since Washington has no legislature, how could it vote on ratification of future constitutional amendments? Would its residents have the right to ratify or reject amendments by direct election? If so, D.C. residents would have voting rights superior to those of any other people in the country.

This amendment would confer upon the District of Columbia a superior status, a status of "quasi-state" or "super-city." Indeed, each of the millions of hard-working people of this country would see their power of representation in the Senate and House diluted by the dubious representatives of the federal bureaucratic city. In close roll-call votes, especially in the Senate, the existence of the District of Columbia representatives could make the difference between passing and killing a bill.

It is evident, then, that this type of constitutional amendment is not the answer to the problem of representation in Washington, D.C. A better approach might be to pass a constitutional amendment providing for the retrocession of the D.C. residential areas into the state of Maryland, so that D.C. residents would be able to vote for senators and representatives from Maryland. Such a proposal would give D.C. residents the representation for which they clamor, without penalizing the other 50 states.

Whatever the outcome of this debate, we should bear in mind that D.C. is not being mistreated by "taxation without representation" under the present system, as if it were under the power of a distant, autocratic government. Rather, in a very real sense, District of Columbia residents *are* the federal government, *are* represented adequately in House and Senate district committees, and *do* receive a far greater per capita degree of federal aid than almost every other state and city in this country. We must be careful not to "over-represent" the District and thereby over-represent the federal bureaucracy in Congress, lest we people of the 50 real states be penalized by "taxation without representation."

Dan O'Keefe is a Republican state senator from Santa Clara County.

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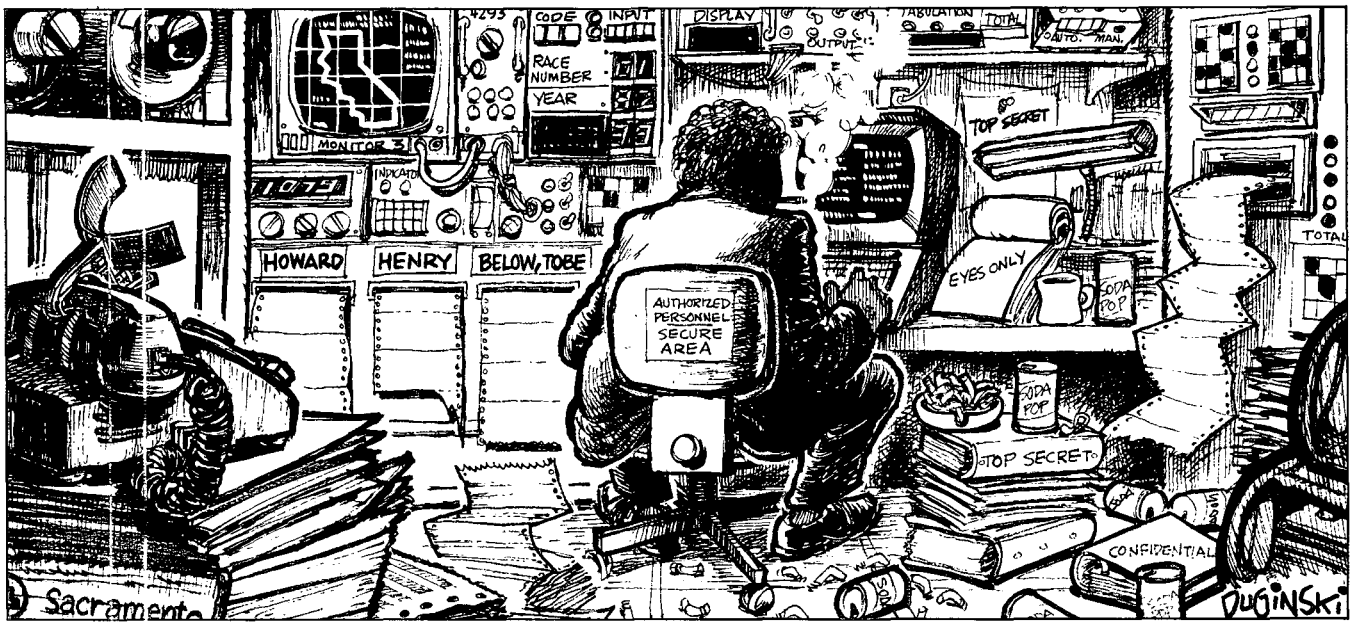
The Berman brothers: wounded but hardly crippled



PAUL DUGINSKI

By MICHELE WILLENS

"Success?" asks Howard Berman's younger brother, Michael. "He ain't speaker."

Howard Berman may have lost the battle for speaker of the Assembly, but the operation spearheaded by Michael Berman to get hand-picked Democrats elected in 1980 fared spectacularly well. It managed to get every pro-Berman incumbent re-elected, knock off two GOP incumbents and — earning the wrath of other Assembly Democrats — even defeat a few McCarthy Democrats in the primaries.

Ironically, Howard Berman may have ended up speakerless because his operation did too well. "Our success probably killed us," says Berman ally Mel Levine. "We scared the Republicans so much with our results that they were willing to go to anyone but Howard."

Michael Berman says the operation's success in 1980 was based on three things: Howard Berman's and Mel Levine's fund-raising abilities (Levine alone raised $250,000 on his summer vacation); the finest in staff talent on loan from Berman sympathizers; and the Michael Berman approach to mailings. That approach is a highly detailed, targeted system, rather than the general, mass-produced mailings used by just about everyone else. Through sophisticated computer programming, Berman-sponsored candidates were able to hit voters on a regular and unusually intimate basis. Letters emphasizing crime fighting, signed by popular law enforcement figures, were sure to go to single women and senior citizens in the various districts. Letters on environmental questions went to upper-class, liberal-leaning folks, and so on. Voters who could not attend a function for a local candidate soon after would receive a letter from that candidate: "I'm sorry you were unable to attend my coffee but here's what we discussed . . ."

"Their operation is to be complimented," says Leo McCarthy, "but you have to look at the overall amount of money they spent versus what we spent." (about $2.6 million versus $1.5 million)

"Their skills are very interesting," says Ruth Goldway Yannatta, who was defeated by Levine in a 1977 special election after a campaign in which the Bermans outdid themselves, barraging voters with six or seven letters during the final week alone. West Los Angeles voters with Italian surnames found themselves getting first-name correspondence from Dodger coach Tommy Lasorda. Housewives who had not designated Ms. on their voter-registration forms received potholders bearing Levine's name. "I beat him in Democratic votes," recalls Yannatta. "But he came up with a majority by getting Republicans who were receiving anti-crime letters while Democrats were getting pro-pot ones."

Michael Berman insists that his techniques remain within ethical boundaries: "I know it's fair. We're not telling people in Thousand Oaks we're for capital punishment while telling those on the West Side that we're against it. There is nothing wrong with a candidate telling you he's against offshore oil drilling when he knows you are too. It may be a cheap shot, but it's fair. And there's nothing wrong with letting Jewish voters in the district know that the candidate's name is Afriat, not Arafat." (Steve Afriat was a Berman candidate who lost last year in Los Angeles' 38th District.)

Issues and strategy

The 1980 strategy for all Berman campaigns began with a memo for each race, scripted by Michael. In the memos, he outlined the key issues, described the makeup of the particular districts and set the strategy. Then the campaigns were

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turned over to an "indigenous captain" and another worker on loan from the Bermans. The Berman-camp operatives did most of the work, while making sure that the home team felt that they were in charge.

"Mike seems to continue to be one of the most effective political operatives in the state," says competitor Bill Butcher of Butcher-Forde political consultants in Orange County. "He has a record that most of us would be willing to trade ours for."

Michael Berman was probably one of the kids who were laughed at in school: quiet, pudgy, brainy. Now in his mid-30s, he is still the heavy-set, baby-faced, whiz-kid type — an unkempt chain smoker usually surrounded by lists, unpacked boxes and telephones. He is the ultimate workaholic, headquartered in Congressman Henry Waxman's Los Angeles office where he serves as a top aide. Here he masterminds several political drives simultaneously — from helping Waxman get appointed to a committee chairmanship in Washington to his brother's quest for the speakership.

Back in 1967, when he helped Howard get elected state president of the Young Democrats, Michael Berman was already being called the Bobby Kennedy of California politics. "He's the ruthless one," Howard used to say of his younger brother. But the few persons who have come to know Michael well say that, although he may do most of the dirty work, his strongest suit is loyalty.

"He has always had a highly competitive temperament," says Los Angeles Community College Board member Rick Tuttle, who has known Michael 16 years. "He deeply loves his brother and has the real gift of strong loyalty and affection for those who have been through things with him. Yes, he has a good memory, but he's also realistic about changing relationships in politics. He's capable of forgiveness."

Some observers aren't so sure. Assemblyman Art Torres says the younger Berman threatened him often during the speakership battle and warned that Torres and colleague Richard Alatorre would not be trusted by Bermanites again. (The two assemblymen first moved from McCarthy to Berman but jumped to Willie Brown at the last moment.) "I know they'll be down there in Los Angeles opposing whatever my next move is," says Torres fatalistically.

One of the persons closest to Michael Berman says his credo is simple: Go after those who lied to you or betrayed you. That is how Michael Berman clearly feels about Torres, Alatorre, Mike Roos and Jack Fenton. Michael Berman agreed to help Roos two terms back in exchange for a pledge that Roos would support Berman whenever he ran for speaker. Yet Roos sided with McCarthy and then Brown last year — and ended up majority leader.

Roos says he was turned off by the Berman strongarm tactics, especially when the operation got actor George Takei to file to run against Roos in the Democratic primary. (The Bermans now admit that was merely a ploy to intimidate Roos, and that Takei never intended to make the race.)

The Bermans also say that Assemblyman Fenton reneged on a promise to stand with Berman. So they poured close to $70,000 into the primary against Fenton and knocked him out. That effort still angers many in the Legislature who say that was going too far. Fenton claims he never promised to support Howard Berman. When Howard came to him with a list of the things McCarthy was doing wrong in December 1979, Fenton says, he expressed agreement but made no commitment.

Michael Berman only smiles when asked about a future bid on the part of his brother for the speakership. "Let's just say this is a continuing saga," he suggests. As for his own political philosophy, the younger Berman says that he doesn't care much about issues, aside from Israel, and that he is far less liberal than his brother. In fact, he takes some pride in being instrumental in his brother's decision to oppose school busing. One person who met with Michael to gain help on some issues recalls Berman saying, "I don't know toxic waste from solid waste."

But others sense a deeper understanding on Michael's part. "He may pretend he's not that interested in issues," says Tuttle, "but he's extremely well read. You start talking about any issue or piece of legislation, and he'll know everything about them. And in his own way, he's very ethical about the kinds of candidates and positions he helps."

"Michael's objective is to get you to open the (campaign) letter and then to let you know what the candidate stands for," says Frank Tobe, who runs the computer firm (Below, Tobe and Associates) that works with the Bermans. "Others, like Butcher, just want you to remember the name of the candidate. Also, Michael is really interested in who gets elected, where Butcher's attitude is often, 'Boy, are we going to make a mint.'

Michael Berman does not like the word "machine" often attached to the names Berman and Waxman. "That implies patronage, and that's not what we're about. People like giving to us because they know we care about issues and seeing other Democrats elected. People like Max Palevsky (a big Democratic contributor) don't want anything in return. They know with Berman and Waxman in power, they get their money's worth. What do they get when they give to Tom Bradley? They get Tom Bradley."

Reiner's race

Clearly, the Berman operation is an exhausted one just now, and it will not be easy for it to get money from anyone for awhile. But Michael Berman says they will help LA City Controller Ira Reiner, an old colleague from Young Democrat days, in his April bid for Los Angeles city attorney. Reiner will be opposed by City Councilman Bob Ronka, who says he is not afraid of facing the Berman operation.

"What operation?" Ronka asks. "It's been so depleted that it doesn't have the funds or energy to put any muscle behind Reiner. Also, I've already had commitments from heavy Berman supporters like Max Palevsky who may like Howard but feel it's asking them to go too far to like Reiner also."

It is true that many Berman supporters do not like the controversial Reiner. Assemblyman Herschel Rosenthal is known to feel obligated not to support anyone else because Reiner did numerous mailings for 1980 Berman candidates.

It's that kind of quid-pro-quo support the Bermans can depend on for some time, but clearly their operation is a wounded one. Their hardball maneuvers last year won them big numbers but antagonized many colleagues at the same time. The coming months will probably be a time for the "machine" to unplug for refueling and maybe even to reach out to some new potential allies. One possibility is the Campaign for Economic Democracy, which is becoming more powerful as it edges toward the center of the political spectrum. Already this year, there have been numerous events co-chaired by a Berman, Levine or Rosenthal with Tom Hayden for a CED-sponsored candidate.

Michael Berman himself has met with top CED operatives. While he won't say how he actually feels about Hayden, Michael says, "Howard likes him." That's probably enough.

In the meantime, Michael Berman will continue to hone his campaign techniques. "He's constantly improving," says Tobe. "Soon, we'll be merging our codes with information from the new census, so Michael will have even more detailed information about people to use for his future mailings."

So voters may find themselves getting jazzy envelopes or "urgent" mailgrams reading, "Dear Mrs. Doe: Sorry you couldn't attend my coffee and I hope your cold is better. I know you would have enjoyed my discussion on energy, especially since your little Johnny did such a nice school project on . . ."

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CARL MUECKE

Is the environmental movement among the endangered species?

By ANNE JACKSON

If there's one thing that distinguishes environmentalists these days, it's a weariness about the eyes. And no wonder. With the political tide rising on the right, the environmental movement is more embattled now than ever before.

In Washington, the Reagan Administration is promising war on environmental regulation. Congress is taking on an increasingly conservative coloration, and environmentalists are bracing for the possibility that battles fought in the '70s may soon have to be fought all over again. The federal Clean Air Act is a likely target, as is the Environmental Protection Agency.

Things look only slightly better at the state level. Last year the Legislature did pass some bills aimed at the toxic waste problem. But it also approved the Peripheral Canal, introduced 60 bills attacking the Coastal Commission, rejected 16 separate motor vehicle inspection proposals (despite the threat of a cutoff of $850 million in federal funds) and — in a bill vetoed by Governor Brown — declared it state policy that New Melones reservoir should be filled.

Nor does the legislative picture seem likely to change soon. The 1980 elections nudged both houses further into the anti-environmental camp, making assaults on air quality laws, the California Environmental Quality Act, the Public Utilities Commission, the Energy Commission and the Air Resources Board a virtual certainty this year.

Times, it is obvious, have changed. And to make matters worse for the environmental lobby ("the thin green line" as Resources Secretary Huey Johnson calls it), it is beset with internal problems of its own. One of the three major California environmental lobbying groups, the Planning and Conservation League, is in serious financial straits and can no longer afford to pay a lobbyist. PCL President Mike Remy says he may soon recommend to the PCL board that the

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organization be "put into the deep freeze."

Friends of the Earth, also plagued by money troubles, has laid off its full-time lobbyist, Mark Vandervelden, and is now making do with part-timer Mike Storper who commutes from Berkeley. That leaves only the Sierra Club operating at full strength in Sacramento, with one lobbyist and three specialists in energy, coastal matters and air quality. A few other groups cover selected issues, such as Friends of the River, CalTrout and the solar lobby, Sunrae.

The backlash problem

What has happened? Is environmentalism dying? Does the environmental movement itself belong on the endangered species list?

Clearly the movement is in trouble. Part of the problem is a kind of end-of-the-honeymoon pall, with political backlash from some instances of regulatory over-zealousness. Also, conservative interests are pouring huge amounts of money and energy into regaining the ears of politicians. They are seeking to reshape the public's environmental consciousness by casting "government over-regulation" rather than polluters as the real threat to the general well-being.

But, ironically, the environmental movement is, in some ways, stronger than ever. There are more environmental organizations in existence, more members in most of them and, according to the polls, more public support for the environmental ethic than ever before.

The trouble is that the public support is not well tied into the political arena. Elected officials hear a great deal from those who stand to lose from environmental regulations but not much from the other side. The main reason: Environmentalists working on the legislative and judicial front lines have let themselves be cut off from the sources of strength which made their movement successful in the first place — from the public at large, from students, from potential allies, from each other and even from members of their own organizations. Some observers charge that the environmental movement has gone off to the political ball and forgotten to dance with the people who brought it.

All of that may change soon. Environmentalists are admitting that the old ways aren't working and that new strategies will be needed to pull their forces together. Some of their most vigorous activity these days is taking place in local communities where groups often spring up in response to particular issues. For example:

- **In Mendocino** last year a coalition of tourists, environmentalists and salmon fishermen helped stop herbicide spraying on national forest land.
- **In Sacramento,** a citizens' group forced a local utility district to move barrels of chemicals from a storage yard where they were accessible to passing schoolchildren. Other groups helped defeat a proposed sports stadium slated for a parcel of agricultural land.
- **In San Jose,** local groups banded together recently to prevent agricultural interests from spraying the pesticide Malathion over a 100-square mile area.
- **And in Southern California,** activists are continuing the years-old fight to preserve the Santa Monica Mountains.

No one really knows how many local groups exist, but Friends of the River claims to be in touch with some 45 separate organizations around the state working solely on local water issues. The Sierra Club has local chapters and "conservation committees" throughout California; the Abalone Alliance counts 60 member organizations, all opposing nuclear power. They range from the Environmental Action Ministry in Berkeley and Nurses for Social Responsibility in San Francisco to the Sunflower Collective in Santa Ana and the Community Energy Action Network in San Diego.

Such local vigor sometimes surprises environmentalists' friends and foes alike. When the Sacramento Municipal Utility District board of directors called an evening meeting just after the Three Mile Island accident, 1,100 persons showed up asking SMUD to close down its Rancho Seco nuclear plant. In June 1979, 40,000 persons attended a protest demonstration at the Diablo Canyon nuclear power plant. And after the Legislature passed SB 200 authorizing the Peripheral Canal, a hastily organized referendum campaign against the canal collected 842,000 signatures in a record 23 days — well over twice the 346,000 needed. Referendum organizer Lorell Long, wanting to gauge the public mood, went out with the signature gatherers and says she found people were lining up to sign. "I'd never seen anything like it. They were very emotional about it. They were saying, 'You're damn right. We're not going to let them do this.' I don't think anyone in the Legislature thought for a minute there was that much public sentiment against the canal out there."

But the environmental movement has not done much to tie such widespread support to specific legislative or administrative efforts at the state and federal levels. Most of the environmental groups are set up so that the actual work is carried out by a handful of front-line activists while the membership and the public sit on the sidelines. Environmental Defense Fund lawyer Tom Graff explains: "We're not set up to involve members actively. If they want to give us money and be active as well, they should do it through whatever line of work they're in or in their local community."

Says former Friends of the Earth lobbyist Vandervelden, "If you join FOE, you send in your money and you wait until you get *Not Man Apart* every month. There's no one in FOE who's going to phone you up and say, 'We need you to write a letter.' And even when people volunteer to work for organizations, the organizations don't know how to put them to work."

The result is both a frustrated membership and isolated, understaffed front-liners. For people worried about environmental problems, sending in $25 once a year in exchange for an occasional newsletter is not very satisfying. Most of them want to do something or at least express how they feel. That, in part, may account for the success of many local groups — which usually ask for direct response to a clear, immediate problem — and of organizations like Greenpeace and Citizens for a Better Environment. Greenpeace offers its members at least a vicarious sharing in the blocking of whaling ships and the saving of baby harp seals. CBE organizes by going door-to-door in urban areas, talking about local environmental issues.

But when pressure on state and federal issues is needed, the job tends to fall on a few professional lobbyists. Warns one environmental leader, "If they knew how few of us were actually doing the work, we'd be dead. We're a paper tiger."

There is another result of the communication gap: Often the environmental leadership doesn't know what the membership is thinking. This was recently apparent in the embarrassing failure of the Environmental Bill of Rights initiative. It was conceived by former state Senator Peter Behr as a way to give the movement "a new infusion of energy" and to "signal that it is still a major force in our political life." But the measure died when it turned out that hardly anyone supported it strongly enough to go out and collect signatures. Among other things, the Bill of Rights would have established the right to a "healthy and productive environment" — a phrase which many environmentalists thought had an ominous chamber-of-commerce ring to it.

As for the initiative's effectiveness as a legal tool, CBE lawyer Nick Arguimbau admits. "I was a little scared about it, actually. There was a provision in it which said there must be a streamlining of regulations, which I was afraid might turn out to be the only enforceable provision. We were in-

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terested in demonstrating our strength," he adds, "but we weren't interested in the vehicle. Consequently it fell flat."

A victim of success?

The tax-big-oil campaign on the June 1980 ballot, promoted by former Office of Planning and Research Director Bill Press, suffered a similar fate and for similar reasons — although that effort also had to contend with well-financed oil company opposition. Says one environmental insider, "There was a lot of cynicism within the environmental community. A lot of people thought it was more a Big Bill Press campaign than a Big Oil campaign." And, says another, "It

CARL MUECKE

didn't merit the full treatment it got. The gains would have been really small — $500 million — and even at that there was a bail-out clause for the oil companies. It amounted to an incredible amount of work and money for very little."

In some ways, the environmental movement is a victim, not of its shortcomings but of its own success:

- **The Carter and Brown** administrations pulled large numbers of people out of the movement and into government, creating what some consider a leadership void. Some observers say that the two administrations have even shifted the focus of action from the outside organizations to inside government agencies. "With environmentalists in high positions," says EDF's Tom Graff, "there's been a tendency to believe they're doing the job so they don't get the same degree of critical oversight their predecessors did."

"But once on the inside," adds Friends of the River Director Mark DuBois, "environmentalists found they had to compromise. They got heavy lobbying from the other side, but not so much from the environmental movement."

- **While the political climate** of the '70s made it possible for environmental statutes to be enacted, the task of seeing that those laws are enforced in the '80s is more difficult. If agencies charged with enforcing environmental regulations fail to do so, environmentalists have little recourse short of expensive legal battles.

Under former Attorney General Evelle Younger, a special environmental unit within the attorney general's office played a leading role in state environmental law enforcement. The unit filed friend-of-the-court briefs in a series of major environmental cases around the state and was instrumental in the *Friends of Mammoth* decision which expanded the legal scope of the California Environmental Quality Act (CEQA) to include private as well as government projects.

But in 1978 Younger began backing away from a strong environmental policy and launched his gubernatorial campaign by refusing to represent the state Energy Commission in a lawsuit brought by utilities challenging the constitutionality of California's nuclear safety laws.

Younger's successor, George Deukmejian, then dismantled the environmental unit, saying his administration would concentrate instead on "the urban environment." Now, says EDF attorney Graff, while the attorney general "does have a couple of loud toxic waste cases" — specifically, lawsuits against the Aerojet Corporation and Occidental Chemical Company over groundwater pollution — "there is little or no serious initiative coming out of that office."

The dismantling of the environmental unit leaves only a few attorneys doing specialized environmental work within government agencies. As a result, says Center for Law in the Public Interest attorney John Phillips, "laws are often passed in Sacramento which go unenforced." Larry King, former head of the environmental unit in Sacramento, estimates that even before the unit's demise, only 2 percent of CEQA violations were ever challenged in court.

- **Environmentalists now find** themselves dealing increasingly with what Sierra Club lobbyist John Zierold calls "second-generation issues" — getting the laws implemented through regulations. This involves increasing complexity and makes it difficult to involve large groups of people in the decision-making process.

"It's harder today for citizens to inform themselves sufficiently to be credible in debates," says Graff. "It's no longer 'Are you for pollution or against it?' It's, 'Are you for a particular piece of add-on technology that has allegedly been proved to be successful in Japan but the opposition says it's only been used there on facilities that are a tenth of scale?' "

Some shortcomings

But environmentalists must acknowledge some shortcomings too, especially in organization. While a few groups have chapters on college campuses, students — once a signficiant force in the environmental movement — are these days often dismissed as "too apathetic" or "too interested in getting a job" to merit serious recruitment. Some leaders say students do not fit well into current campaigns. Says long-time environmental activist Joan Reiss of Sacramento, "Campus constituencies disappear at the wrong times. They're not there in the summer when the Legislature is at its hottest, heaviest time and when all the key bills come up."

Nor has the movement put much effort into building coalition with other segments of the community, such as labor. "Environmentalists have been chided for not joining forces with their natural allies like labor," says Zierold, "but they're anti-Coastal Commission, they're anti- most regulatory programs, except OSHA. Most of the time we're on opposite sides of the issues. They're not our natural allies, although we've got to continue working to convince them that we share a great many goals."

The state's top labor leader, John Henning, president of the California Labor Federation, sees it differently: "There doesn't appear to be a group within the environmental community willing to consider the economic and social consequences of their proposals. Until that happens, I don't see any real chance for understanding."

But the split is not inevitable. Environmentalists and industrial workers share an interest in such issues as the problem of toxic substances in the workplace. Government statistics show that, as of 1977, more than 1 million new jobs

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California Environmental Organizations

Sierra Club. By far the largest of all environmental groups, the Sierra Club was founded by John Muir in 1892 and now has 78,549 members in California. During the 1960s, under the directorship of David Brower, "the Club," as it is known in environmental circles, had a reputation for flamboyance. But Brower was forced out by the board of directors and the organization quieted down, turning to a more conservative program of lobbying and litigation. Sierra Club lobbyist John Zierold, who was also the original Planning and Conservation League lobbyist, has been on the Sacramento lobbying scene for 15 years. The Club puts a heavy emphasis on recreational activities, but it also has conservation committees throughout the state working on local environmental problems. Last year, for the first time the Sierra Club publicly endorsed environmental candidates in legislative and congressional races. Its current California budget is about $1 million, with membership growing about 2 percent annually.

Environmental Defense Fund. The Fund was founded in Long Island during the late 1960s by a group of scientists who were concerned about the effects of DDT and other pesticides on the environment. EDF works almost exclusively through the courts, although it does some legislative lobbying. Of the national membership of 45,000, 6,000 members are in California with an annual state budget of about $250,000.

Friends of the Earth. A national organization with 24,000 members, FOE was founded in 1969 by David Brower after he was displaced as director of the Sierra Club. The organization is suffering from financial problems because membership growth has not kept pace with program expansion and because of poor marketing of the organization's books, calendars and other published materials. According to FOE conservation chairman Jeff Knight, the group had a running deficit of $100,000 before recent budget cutbacks. Until this year FOE had one full-time and one part-time Sacramento lobbyist, but because of its financial problems, the lobbying force has now been reduced to part-time lobbyist Mike Storper. A new FOE branch, "CaliFOE," is being organized to draw on the FOE general membership for help in lobbying, especially at the local level. FOE has a staff of 30 in San Francisco, with volunteer coordinators in other parts of the state. The organization also publishes the newsletter *Not Man Apart*. Nearly one-third of the FOE membership is in California.

Friends of the River. FOR was organized in 1974 to save the Stanislaus River from the New Melones Dam. It is still fighting to preserve part of the river, even though the dam is now completed and reservoir filling has begun. In 1979 FOR director Mark DuBois made national headlines by chaining himself to a rock in an attempt to protect the Stanislaus River Canyon from inundation. FOR lobbies in Sacramento and Washington, on the Stanislaus and other water issues; its strong grassroots network in California includes about 45 groups working to protect local watersheds. Last year FOR put full-time workers in legislative and congressional campaigns. The organization also sponsors statewide conferences on water issues. FOR's annual budget is $200,000, with membership at about 3,000.

Planning and Conservation League. PCL, the oldest member of the Sacramento environmental lobby, was set up in 1965 by the late Assemblyman Edwin Z' berg and others to represent environmental interests in Sacramento at a time when tax-exempt environmental groups were running into trouble with the Internal Revenue Service because of their lobbying activities. The group is governed by a 40-member board of directors with representatives from numerous other California environmental organizations. At its peak in 1974-75, PCL had about 4,400 members statewide. But the group is in financial trouble, with membership falling to about 2,000 and the loss of an annual $15,000 grant. Last June PCL's financial problems prompted its lobbyist, Dave Abelson, to resign. PCL President Mike Remy says the organization is looking for a lobbyist willing to work without a salary. Observers say PCL's financial woes are due in part to its 1977 stand in support of the Peripheral Canal, a move which divided the PCL board by a 10-9 vote. Says Remy, "We almost lost the whole ship over the canal." PCL was also the principal force behind the ill-fated Environmental Bill of Rights initiative drive, which failed to win a place on the ballot. The organization has a current budget of $55,000.

Greenpeace. Famous for its efforts to block whaling ships and protect baby harp seals, Greenpeace now claims a nationwide membership of 150,000, with about 80,000 members in California. Lately the organization has been moving into nuclear power and nuclear-waste transportation issues, but has come under criticism from other environmental groups for a lack of expertise. Says one environmental veteran, "I've heard some real horror stories about Greenpeace, I'm afraid." The organization has a California budget of about $500,000, nearly all of it from individual contributions. Greenpeace reports it raised about 19 percent of its budget last year through door-to-door solicitations. The organization has a staff of 20, most of it in the San Francisco Bay area.

Citizens for a Better Environment. Originally based in Chicago, CBE began operating in California three years ago and now has 8,000 California members, all of them in the San Francisco Bay area. The organization claims to have increased its California membership last year by 30 percent. CBE has a current California budget of $200,000, all of which is raised through door-to-door solicitation. Staff consists of one attorney, three researchers, clerical workers, two full-time fund-raisers, and several part-time canvassers.

California League of Conservation Voters. The League was founded in 1974 as the statewide political action committee for environmental groups. The organization endorses candidates, keeps an eye on elected officials, and last year, under the direction of Carl Pope, worked actively in a number of legislative and congressional races. The League has about 1,000 members.

Californians Against Waste. This organization, set up solely for the purpose of enacting a bottle bill, lobbied unsuccessfully last year for SB 4 by Senator Omer Rains, which would have required deposits on beverage containers. Now CAW has begun an initiative drive to put the matter before the voters.

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Abalone Alliance. Devoted exclusively to anti-nuclear activity, Abalone Alliance is a coalition of 61 groups throughout California which meet three times a year. Founded in June 1977, the organization is named after the abalone killed when the cooling system at the Diablo Canyon nuclear power plant was tested. Members include Greenpeace, the American Friends Service Committee, and the Environmental Action Ministry of Berkeley. Abalone Alliance is committed to civil disobedience and other "direct action" tactics and has organized a number of protest demonstrations, including the June 1979 rally at Diablo Canyon in San Luis Obispo which 40,000 people attended. The organization plans to blockade Diablo Canyon if an operating license is granted and if all its legal mechanisms fail.

CARL MUECKE

Audubon Society. Audubon, founded in 1905, has a membership of 50,000 in California and a state budget of about $500,000. The organization is most famous for its publications and bird-watching activities, but it also lobbies on legislation. Recently the society joined with Friends of the Earth in a lawsuit against the city of Los Angeles aimed at saving the sea gull population at Mono Lake, which is being slowly drained by pumping.

National Wilderness Society. Established in the 1930s, the Wilderness Society last year doubled its California budget to $60,000, according to spokesman Larry Moss, because of a decision "to pay more attention to California issues." The organization now has about 9,000 members in California and a national budget of $2 million. The Society, which limits itself to wilderness issues, has been working recently on protection for Big Sur, on a California wilderness bill, and on the Bureau of Land Management's Desert Plan.

Nature Conservancy. The conservancy is a national, nonprofit organization which acquires or otherwise preserves ecologically significant pieces of land. It now has 28 preserves in California, some of which have been turned over to public agencies for management. Begun in the late 1950s as a volunteer organization, the Conservancy now has a full-time staff and a California budget of nearly $100,000. Its money comes from corporations, foundations and individuals. The organization's biggest project was purchase of Santa Cruz Island off Santa Barbara.

Trust for Public Lands. Founded in 1973 by Resources Secretary Huey Johnson and others, the Trust for Public Lands buys land from private owners and turns it over to government agencies for public use. So far it has transferred more than 30,000 acres of open land to public agencies in 13 different states. The money is raised from land transactions and from private foundations.

Sunrae. The solar lobby Sunrae, established in 1976, now has 1,000 members statewide and an annual budget of $200,000. A major part of its income comes from a recycling center which it operates in Santa Barbara. According to Sunrae lobbyist Alan Mirviss, the organization considers itself more a combination of public interest-business promotion groups than an environmental organization. In addition to legislative lobbying activities, it has recently produced a public services announcement on solar energy tax credits for distribution to radio stations.

California Tomorrow. Founded 20 years ago, California Tomorrow has as its principal goal "to keep before all Californians the concept of statewide comprehensive planning as the only workable system that will not simply allow us to survive but give the promise of a future good enough to enjoy." The organization publishes the quarterly magazine *Cry California* and sponsors projects and conferences throughout the state. Membership currently stands at about 3,500.

Center for Law in the Public Interest. The Center was founded in 1971 by a group of young lawyers from the corporate law firm of O'Melveny and Myers in Los Angeles. It was instrumental in early environmental cases and now devotes about 30 percent of its effort to such work. Center attorney John Phillips fought out an eight-year lawsuit against the Century Freeway, settled a year ago, which resulted in requirements that the project be scaled down, that 4,200 units of low-income housing be replaced, and that mass transit elements be included. Supported by contributions from its 5,000 members, by court-awarded attorneys' fees, and by foundation money, the firm received $2.2 million in attorneys' fees from the Century Freeway case. Its current budget is $750,000.

Weinberger, Minaly and Shute. This San Francisco law firm, which works exclusively in environmental law, is made up of refugees from the attorney general's environmental unit, which was dismantled by Attorney General George Deukmejian. Partner Clem Shute was the statewide head of the AG's environmental unit; Mark Weinberger was in charge of the unit's San Diego branch. Weinberger says the firm is trying to "carry on the work that the attorney general has decided doesn't fit in with his environmental priorities." The firm is handling several CEQA cases and has written a brief in U.S. Supreme Court in an inverse condemnation case involving San Diego's Penasquitos Lagoon.

Natural Resources Defense Council. The Natural Resources Defense Council, which was founded in 1970, works principally through the legal system. The organization has 45,000 members nationwide with 7,000 members in California. The California staff consists of five attorneys and four scientists, along with some environmental interns. The organization is supported by foundation grants, contributions, court-ordered attorneys' fees and sales of books. The annual budget for NRDC's western office is now $500,000.

Sierra Club Legal Defense Fund. The legal arm of the Sierra Club has a staff of six lawyers and a California budget of $450,000.

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had been created by environmental protection programs. And Federal Energy Administration studies estimate that a national beverage container deposit law would, by itself, result in 118,000 new jobs.

Last year Friends of the Earth joined with farmworkers and 30 other organizations to form a pesticide coordinating committee; and the Machinists Union — which has significant numbers of people working in the nuclear energy industry — has taken a strong stand against nuclear power.

Elsewhere around the country, labor representatives and environmentalists are organizing through groups like Environmentalists for Full Employment. But in California, says Reiss, "there have been very few concerted efforts made. It's been a major failing. In the '70s there was always discussion about reaching out to urban groups and working with labor, but you can't just make that issue number nine so that you never get to it."

The movement has also been hampered in efforts to form alliances in the minority communities by its failure to throw off the charge of "elitism" which is the legacy of its conservationist beginnings. If anything, state Resources Secretary Huey Johnson reinforced that elitist image when he spoke last year of cutbacks in low-income housing, restrictions on immigration and tax penalties for large families to hold down California's population and to head off what he called the "ultimate disaster" of social and economic collapse.

Johnson later softened his remarks, insisting he meant only to say it's the poor who suffer most when limits of "carrying capacity" are reached — but not before his comments had rekindled the hostility of minority groups.

Inflation and feminism

There are external headaches for the environmental movement, too. Many activists blame inflation for a slowdown in membership growth rates. In a tight economy, industry is better able to use economic arguments against environmental regulation, saying that protection is too costly or that it interferes with a productive economy. Others say the faltering economy has cut into the volunteer work force upon which the movement once depended, and that the women's movement has had an effect. "Women have always been the strong backbone not only of environmental organizations but other progressive efforts as well," says Reiss. "But now they are finding places where they can be paid for what they do."

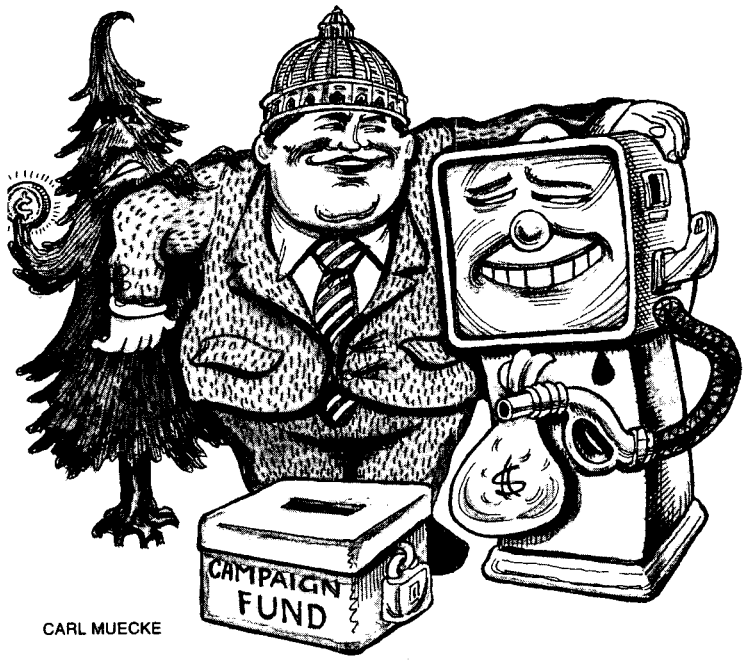
Another major factor is the huge amount of corporate money going into legislative campaigns. In California, which does not limit contributions to state races, the number of business groups contributing $500 or more to legislative campaigns increased by 62 percent between 1976 and 1978, with 125 business political action committees (PACs) giving to candidates in 1978. During the same period, the number of businesses giving directly to candidates increased 85 percent.

In 1976 business PACs spent $473,983 on legislative campaigns; in 1978 they spent $1.1 million. In 1980, early figures indicate, one PAC alone — United for California, which is made up of business contributors — spent over $1 million on legislative candidates.

By contrast, the League of Conservation Voters, which since 1974 has been the statewide PAC for environmental groups, raised and spent about $14,000 on legislative races in the 1980 general election. That kind of spending doesn't buy much. According to the state Fair Political Practices Commission, it cost $100,520 in 1978 to win a contested Assembly race and $214,763 to capture a contested Senate seat.

As business steps up its campaign spending, the Legislature grows increasingly conservative. Says Sierra Club lobbyist Zierold, 'The Assembly is a much more pro-business, anti-environmental body than at any time in my memory." Before the 1980 election, Zierold could count 10 senators out of 40 and 15 assembly members out of 80 with what he calls "an environmental perspective." After the election those numbers had been reduced to 8 and 14 respectively, with one of the eight senators — Senator Alan Robbins — under indictment for sexual misconduct and in danger of losing his office.

For the environmental legislators left, the going is increasingly difficult. Former Senator John Nejedly, who decided not to run in 1980, complains, "Things were getting tougher and tougher. I just didn't feel I could be productive." Nejedly's seat was filled by former Assemblyman Dan Boatwright who — when Dow Chemical wanted to build a major petrochemical facility on Sacramento Delta farmland a few years ago — vowed he would draft special legislation authorizing the plant if it failed the environmental review process.



CARL MUECKE

When it comes down to specific legislation, the money on the industry side does make a difference. Reiss describes last year's futile attempt on the part of environmentalists to get a beverage container deposit bill through the Senate. "A Department of Consumer Affairs poll two years ago showed that over 85 percent of those polled wanted a bottle bill. There was an enormous investment (by environmentalists) in a mailing. Every senator had letters from the district and visits were made by constituents to legislators. But the beer distributors put a lot of money into legislative coffers, and when the vote came down, fewer than 14 senators voted in favor of the bill."

Taxes and foot-soldiers

The environmental lobby is not only outspent, but outnumbered and outstaffed by industry lobbyists. Former Assemblyman Vic Calvo explains what that means: "On an energy issue, for example, you might have one environmental lobbyist. And on the other side you'd have the oil companies, the utilities, the manufacturers' association and the chamber of commerce. The environmental lobbyists are informed on the issues — but the other side carries a good deal more clout."

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This year with PCL out of the picture and FOE operating only part-time, that imbalance will be even more drastic. One of PCL's problems may have been that it paid its lobbyist more than it could afford to. PCL lobbyist Dave Abelson was making more than $20,000 a year out of a total office budget of $55,000 before he left last June to go to work for the Air Resources Board. But more often, those who lobby for environmental causes work under semi-starvation conditions. FOE's former lobbyist Vandervelden, for example, after three years as FOE's full-time Sacramento spokesman, was taking home a salary of $330 per month. Friends of the River staff members are paid a salary of $450 per month. As for staff help, says Vandervelden, "my job was to research issues, outline position papers, type them up, Xerox them, collate them, deliver them, do press releases, hold press conferences, lobby — everything.

"There's not enough money to keep continuity in staff and leadership,' he adds. That's a critical problem when you're lobbying because when you don't have the ability to mobilize hundreds of thousands of letters on a given issue, your effectiveness hinges on your power as an individual. You have to develop credibility as an honest and knowledgeable person, and that requires a long-term process."

How can the environmental lobby offset the business money on the other side? One way, says Calvo, is "by getting behind candidates with foot-soldiers, providing precinct workers and so forth." Many leaders within the movement, including Zierold and former PCL lobbyist Larry Moss, who now represents the Wilderness Society, see that as the most urgent task of environmentalists. But organizations which consider themselves to be non-partisan have been reluctant to work in elections for fear such a move would be, in the words of Sierra Club President Mike McCloskey, "divisive."

The tax laws are also a factor. Tax-exempt, tax-deductible organizations like Audubon, EDF and Greenpeace may not participate in elections without losing tax-deductible status. They may lobby on legislation only if lobbying constitutes an insubstantial part of an overall program — defined in the past as 5 percent or less.

Giving up tax-deductible status in exchange for the right to unlimited lobbying and election work, says Audubon President Richard Martyr, could have a "significant impact on contributions." Some groups get around the problem by handling lobbying through a tax-exempt group and setting up a separate, tax-deductible foundation for public education purposes. But the drawback is that donors tend to be wary about contributing to a foundation with ties to a lobbying organization.

Organizations which are tax-exempt but not tax-deductible — like the Sierra Club, Friends of the Earth and Friends of the River — are not restricted in lobbying, but may participate in elections only through a separate, taxable entity like a political action committee.

Businesses, on the other hand, operating under a different set of tax laws, can carry out unlimited lobbying, write off the cost as a business expense and participate in elections without restriction.

Some in the movement see election precinct work as futile anyway. Says Abelson, "Any professional politician will tell you that in Los Angeles and in the big Northern California urban areas, you don't win by walking precincts. The key to it is bucks in the media."

But in fact, FPPC figures show the media share of campaign spending to be relatively small. In 1978, for example, state Senate campaigns spent only 6.8 percent of total funds on radio and TV advertising; by far the biggest share of the campaign money — 48.1 percent — went to campaign literature. A large troop of volunteer precinct walkers, some say, could be just as effective.

Last year, despite some misgivings, environmental groups plunged into the political waters with a greater effort than ever before. In a pilot program, the Sierra Club, for the first time in its 88-year history, publicly endorsed congressional and legislative candidates; 13 of the 15 endorsed candidates won.

"That's a bit misleading," says Sierra Club political education director Carl Pope, "because a number of the people we endorsed weren't in any trouble, but we won the two races we were really concerned about — those of Assemblymen Tom Bates and Gary Hart — and two of the four that were too close to call, namely the ones for Byron Sher and Larry Kapiloff."

Along with Friends of the Earth, Friends of the River and the League of Conservation Voters, the Sierra Club also put workers into 18 separate election campaigns. Friends of the River alone had nearly 60 full-time workers and about 200 part-time volunteers working on campaigns around the state.

There are other moves afoot which could help even things up on the legislative front. A change in federal tax laws now allows tax-deductible organizations, with special IRS permission, to devote somewhat more time to lobbying — as much as 20 percent of a total program, depending on the circumstances. FOE board chairman David Brower, meanwhile, is working on a plan to bring FOE members into the lobbying effort.

An environmental lobbying consortium is also in the works — a coalition of several environmental groups which will share offices and resources to cut down on costs. Says FOE lobbyist Storper, "A lot of groups are talking about it among themselves and out of that in a year or two you're going to see a really invigorated environmental lobby in Sacramento. It'll involve better coordination between groups, adequate staffing and better ties to the movement around the state. Besides the main organizations there are hundreds of others, most of them without representation in Sacramento. I think they're going to be brought into the fold. In a sense you're seeing the calm before the storm."

The outside game

Other environmentalists are talking about tackling the campaign financing problems in a fundamental way.

"The environmental movements needs to get very much behind changing campaign financing laws," says Dave Abelson. "We probably outnumber the economic interests we're up against 10-1 to 100-1, yet our impact is not equal to theirs." That change, says Reiss, will have to come through an initiative measure. "Legislators who got there by the established system are not going to change the system. Period," she says.

In the meantime, more voices in the movement are calling for environmentalists to begin playing what Pope calls "the

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outside game instead of the inside game. Instead of worrying about the specific language of regulations, for instance, we have to get our concerns out to the public at large in clear, simple messages. It's a matter of never forgetting you need to bring the public along with you."

With the example of right-wing victories last year, there is talk of building environmental "moral majorities;" to a certain extent, the process has already begun. Having failed to pass a bottle bill through the Legislature, an organization called Californians Against Waste, under the leadership of Amy Hewes, is joining with a range of local organizations — garden clubs, the PTA, the League of Women Voters, homeowners asssociations and others — to get the issue on the ballot.

Other alliances are beginning to spring up spontaneously. Citizens for a Better Environment attorney Arguimbau points out that "students are waking up to the notion that energy conservation is related to whether they get drafted — chanting slogans like 'Hell no, we won't go; we won't die for Texaco."

California Rural Legal Assistance, a group with a long record on issues such as housing programs and immigrant health care, is now combatting the dangers presented to farmers and farmworkers by pesticide abuse.

Greenpeace and Citizens for a Better Environment have had marked success in organizing by going door-to-door in urban areas. CBE, which depends entirely on door-to-door solicitations for its financial support, claims to have raised $200,000 during the last three years in the Bay Area alone.

And particular opportunities now exist for environmentalists to link up with other forces. The renewed Peripheral Canal fight and the threat to dam the North Coast rivers, for example, provides a chance for environmentalists to join with what EDF's Graff calls "the nonspenders." Huey Johnson says the anti-canal campaign can "educate the urban masses on issues like the huge water subsidies borne by taxpayers."

Also, toxic-waste and workplace-health problems can encourage alliances with neighborhood groups as well as labor organizations. Vandervelden says agricultural issues such as pesticide control, dependence on fossil fuels, diminishing water supplies and capital concentration will provide other organizing opportunities.

FOR's Mark DuBois speaks for the environmentalists who are planning ahead: "Many of today's problems exist because there was no one to fight them in the beginning," he says. "I wasn't born when New Melones was authorized. Today, though, people are fighting."

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Jacques Barzaghi, Brown's surrogate brother

By HAL RUBIN

Both his friends and critics agree that Governor Jerry Brown has put many people in important offices who march to a different drummer. Among the unlikely types who have responded to the governor's call: Huey Johnson, secretary of Resources; B. T. Collins, who heads the California Conservation Corps; Sim Van der Ryn, former head of the Office of Appropriate Technology and state architect; astronaut Rusty Schweickart, chairman of the Energy Commission; poet Gary Snyder, California Arts Council member — and Jacques Barzaghi, the governor's liaison and coordination assistant and director of administration.

CHRIS VAN OVERLOOP/CALIFORNIA JOURNAL

The latter is a short man with a long title. Some insiders say his major function is to be the governor's friend and confidant. Until 12 years ago, Barzaghi was a French citizen who would have had difficulty finding Sacramento on a map of the United States. He had been busy sailing around the world as a merchant mariner; serving in the Algerian war; and working as an actor, producer, and director in the "new wave" of French film-making. In 1968 Barzaghi arrived in Hollywood, made some movies, and eventually met people who were friends of the newly elected secretary of state, Jerry Brown.

"People are attracted to Jerry," Barzaghi says. "He is a strong character." The two men were about the same age and shared philosophic views and interests, despite their contrasting backgrounds. Evidently they hit it off. The Frenchman joined forces with Brown in 1971 to work in the Los Angeles office of the secretary of state. He served on Brown's campaign staff in 1974, was later appointed special assistant for the arts, and helped set up the California Arts Council. Those assignments led to his current position on the governor's staff.

Jacques Barzaghi is about as tall as a large jockey and just as lean. Because American clothing manufacturers tend to ignore small men, he says, he has to buy imports. What he lacks in bulk he makes up in animation. Like any good Frenchman or Italian, he uses his hands with the grace of an orchestra conductor. After 12 years in America, he still speaks with a strong French accent; now and then his syntax gets slightly scrambled, producing sentences like "I do not enjoy to watch TV."

For obvious reasons, media people are intrigued by Barzaghi, whose lifestyle and appearance prompt adjectives like "exotic" and "mysterious." He is somewhat wary about publicity, probably because of some unwelcome attention he has received in the past from the McClatchy newspapers. In 1975, *Sacramento Bee* reporter Nancy Skelton did a long (110 column inches) profile of Barzaghi after a week of interviews with a dozen of his associates and with him. The article asked, "Who is the real Jacques Barzaghi?" What emerged was a portrait of a mystery man, "a manipulator who enjoys deceiving people and screwing them over with mind games."

Skelton returned to the subject of Barzaghi again in 1977, this time assisted by Denny Walsh, *The Bee's* specialist in investigative reporting. Together they did a two-part series, "The Barzaghi File," which filled about 100 column inches. The articles charged that Governor Brown had intervened with the Immigration and Naturalization Service to make Barzaghi a permanent resident after the Frenchman had come to this country as a tourist. The articles also contained allegations about "a confidential CIA report to the immigration service warning that it suspected Barzaghi of pro-Red Chinese ties during the student-worker uprisings in France."

Barzaghi denies the allegations, maintaining that he — like other Parisians — had been only observers of the 1968 student rebellion at Sorbonne University. He charges that the stories were irresponsible and smacked of "Red baiting." Brown's office also has denied that it had pulled any strings with the federal immigration officials.

Access and friendship

Trying to provide an explanation of Barzaghi's unusual role in state government, one official recalls that President Franklin Roosevelt had some people in the White House with high-sounding titles who didn't really perform any special functions. Such persons had access to the president as trusted advisers, and that gave them power. Barzaghi is like that, this official says.

In the first years of the Brown Administration, there was some resentment about Barzaghi's role and influence, but most of that is gone, insiders say. B. T. Collins, who probably knows and understands Barzaghi as well as anybody,

Hal Rubin is a journalism professor at Sacramento State University and a frequent contributor to the Journal.

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explains: "Barzaghi provides solace and comradeship. You and I have good friends; we always know where we have a shoulder to cry on. The governor never had a brother. If he ever had a willing ear, it's Barzaghi. He's the closest thing the governor has to a friend. I remember in 1975 when I came up (to Sacramento) and they were interviewing me. They told me I had to talk to Jacques, and of all the interviews, that was the best one."

Collins says that Barzaghi has access to Governor Brown any time he wants it: "Jacques is one of the very few people who knows what the governor is thinking all the time. I mean, I don't even bother talking to the governor — if I want to sound out an idea, I talk to Barzaghi. If I want anything, I go to him. Gray (Davis) is too busy."

Comparing the duties of Davis and Barzaghi, Collins adds, "You couldn't have Barzaghi doing Gray's job. Jeez, it would be a disaster. Gray holds the whole thing together. They have different roles."

Collins agrees with others that Barzaghi is immensely loyal to the governor. "It's the kind of loyalty I like, where he fights with him. The governor likes that — he enjoys a good fight. A lot of people would knuckle under, but Barzaghi will give him an argument, and he'll win too."

A lot of people in the governor's office are afraid of the Frenchman, Collins says. "I don't think they understand him. He's very perceptive. I usually quit about three times a year, but he can see right through me all the time."

A former member of the governor's staff says that the official inner circle is very small — essentially limited to former Finance Director Dick Silverman, Chief Justice Rose Bird, Wally McGuire, Brown's man in Washington — and Barzaghi. "A lot of others come to play in the governor's sandbox for a while, but the inner circle is very stable," the former staff member adds.

Of Barzaghi, she comments: "The Frenchman may not be an academician, and he may not know what plays in Peoria, but he knows what plays in California. He is a quick brain with a lot of street smarts."

Office space and travel

Barzaghi claims to be mystified by descriptions of himself as influential; he insists that he could not and would not try to influence Brown. "I am on call to the governor," he says. "Whatever falls is mine."

In fact, he does appear to handle whatever doesn't relate directly to the expertise of staff consultants or cabinet members — at an annual salary of $46,620. He allots office space, oversees out-of-state travel requests and takes care of arrangements for conferences and meetings. (He and Collins coordinated the handling of the visit of Prince Phillip to California.) He also oversees printing jobs, interviews potential administration employees and acts as a troubleshooter.

An important part of his job, he says, is making sure everything runs right — "keeping the people who serve the governor happy." Isn't it out of character for a man whose tastes run to the arts and philosophy to be responsible for the nuts and bolts of political housekeeping? There is no contradiction between the artistic and mundane worlds, Barzaghi explains. "I'm a great cook," he points out, "and cooking involves both elements. The artistry comes in providing the . . . the flavor."

Barzaghi traveled with the governor during Brown's 1980 presidential campaign. "I carried the state briefcase," he says. Sometimes the campaign staff resented Barzaghi's presence and became annoyed at his interruptions. "I was like a hair in a bowl of soup," he admits.

But of his years in Sacramento, he speaks with visible pleasure. "I am a different person. Before I came here it was me-me-me." Now, he says, he knows the need to bring people into government who have a sense of responsibility for the future. "We need to attract sincere people with a conscience. We are trying to influence the future a little bit." Noting that his wife complains that he doesn't spend enough time with his children, he adds, "Perhaps I will contribute to my children's future and make up for my lack of time with them now."

Unlike his bachelor friend in the main office, Barzaghi is in his third marriage and has fathered five children: three girls by previous alliances, and two sons by his current wife. He attracted some more of the media attention he says he dislikes a few years ago when he delivered his first son himself at home. "It was a God-like experience," he reports.

Pressed to describe his own future plans, Barzaghi says, "I myself do today what is necessary today." He has no intention of running for public office, he says, and he hasn't thought much about what he will do after 1982. "I will work for Jerry Brown as long as the governor wants me around."

A clue to his philosophical approach is provided by a sign hanging on his office wall: "Life is a mystery to be lived, not a problem to be solved."

Newsmakers

Comeback for Reinecke

In a political comeback, former Lieutenant Governor **Ed Reinecke** won election as vice-chairman of the California Republican Party. In two years, Reinecke will succeed **Dr. Tirso del Junco** as GOP state chairman. Reinecke resigned from office in 1974 following his conviction on a perjury charge that was later overturned on a technicality . . . **Diana Rains,** wife of Senate judiciary committee chairman **Omer Rains** of Ventura, founded a Sacramento consulting firm catering to legislative advocates.

Ed Reinecke

Former state Senator **Albert Rodda** of Sacramento was appointed executive director of the Commission on State Finance after rejecting a request from Governor Brown that he become chairman of the state Agricultural Labor Relations Board . . . **Ruth Church Gupta,** a San Francisco attorney who was fired by Governor Brown from the state Board of Control two years ago for voting in favor of an increase in travel allowances for public employees, was named by Secretary of State March Fong Eu to the state Fair Political Practices Commission. Gupta replaces **Patricia Lapan** of San Leandro . . . Governor Brown appointed his scheduling secretary, **Peggy Jellison,** to the state Board of Prison Terms . . . Died at 76: former Republican Congressman **Jack Z. Anderson** of San Benito County.

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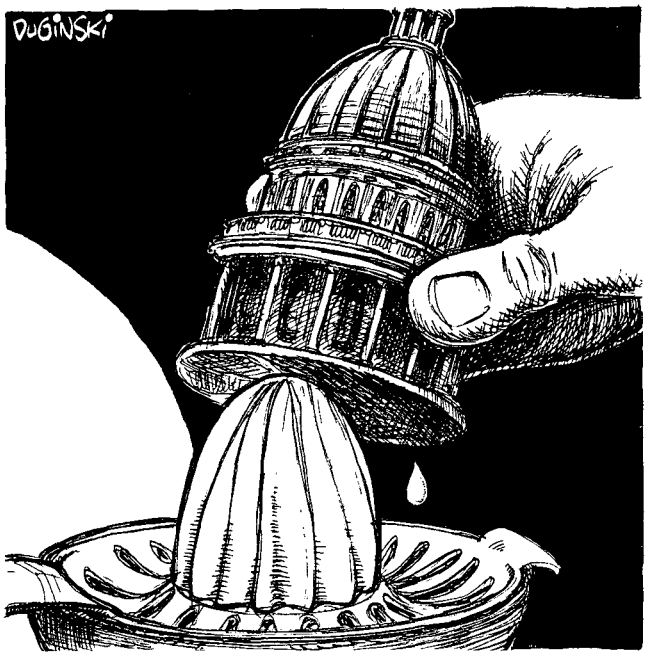
Squeezing of the juice from committee assignments

By DELIA M. RIOS



PAUL DUGINSKI

After Willie Brown was elected speaker of the Assembly last December, his 79 colleagues submitted their requests for assignment to standing committees. Did most of the members hanker to serve on the powerful Ways and Means Committee, which must clear the budget and all other fiscal bills? Or the controversial Criminal Justice Committee, which gets all law-and-order legislation? Or the delicate Elections and Reapportionment Committee, which this year will handle the subject most dear to a politician's heart, redistricting?

The answer is none of the above. According to Speaker Brown, the most popular request was for assignment to the boring Finance and Insurance Committee, which considers technical legislation affecting banks, insurance companies, mortgage brokers and savings and loan associations. Few legislators can be expected to understand much of the language in the bills before the panel.

The F&I committee is one of the Legislature's prizes because membership on the panel guarantees healthy campaign contributions from the financial industries with a vital stake in the bills assigned to the panel. In the lingo of the Legislature, it is a juice committee. Brown responded to the requests of his colleagues by assigning 19 members — almost one-fourth of the Lower House — to seats on the committee. Only Ways and Means, which must divide into budget subcommittees, has more members (23).

Likewise, new Senate President pro Tempore David Roberti was under pressure to grant assignments to the comparable Upper House committee. He solved his problem by dividing the old Insurance and Financial Institutions Committee into two new panels (Banking and Commerce, Insurance and Indemnity) with a total membership of 16 — 40 percent of the Upper House.

These are not the only juice committees in the Legislature, only the best. In a secondary position come the Governmental Organization panels in both houses. The name doesn't give the slightest hint why campaign contributions flow to the members of these panels. Obviously, bills dealing with the rearrangement of the governmental bureaucracy wouldn't start any juices flowing. But these committees also handle legislation dear to the pocketbooks of the horse racing and alcoholic beverage industries, which happen to be heavy contributors to legislative campaigns.

Delia M Rios wrote "The hydropower love affair" in the February 1981 Journal.

The high stakes

There is nothing unusual in representatives of interest organizations giving contributions to those who might do them the most good or harm in the Legislature. Any time a legislator is in a position pivotal to any economic interest, that lawmaker is in a juice position. What differentiates the Finance and Insurance Committee in the Assembly and the comparable two panels in the Senate are the high stakes involved. Nervous about regulation and competition between themselves, financial institutions are especially visible on the Sacramento political scene. Campaign contribution reports published by the state Fair Political Practices Commission provide statistical evidence.

So does a study by Common Cause, which reveals that 30 percent of the contributions received by members of the Assembly F&I committee during the 1978 election year came from sources with business before that panel. Members of the committee raised $115,000 each, about $30,000 more than colleagues who were not blessed with assignment to the prime juice panel.

These funds are not used exclusively for the benefit of committee members. Some members transfer funds to friendly candidates; such shifts were especially apparent in the past year during the bitter Berman-McCarthy battle that paved the way for a Willie Brown speakership. Interestingly, members in both safe and marginal districts raised and distributed money to their colleagues who did not serve on the committee.

Although the savings and loans, banks and insurance companies have been generous with their funds for committee members, there is an apparent limit to their largesse. At one point in 1978, Senator Alan Robbins pursued the coveted chairmanship of the then-Insurance and Financial Institutions Committee and claimed to have lined up the necessary votes on the Rules Committee to win the assignment. He even requested the then-chairman, Republican Peter Behr (who was retiring from the Legislature), to step down early so that Robbins would have the seat during election season. As the story goes, Behr declined. But Robbins then met with lobbyists for the financial institutions in an effort to determine the level of contributions he might expect as the new chairman. Word was sent to the then-President pro Tempore, James Mills, that Robbins would be too expen-

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sive. And Robbins lost the assignment. This year, Robbins campaigned for the chairmanship again. He won half a loaf: head of the new Insurance and Indemnity committee.

One of the most heavily lobbied bills in the last session was SB 1937, the flexible-rate mortgage bill authored by Senator John F. Foran of San Francisco. In the 18 months prior to the passage of the bill, the savings and loan industry contributed $162,500 to members of the Assembly F&I committee — out of $277,000 reported by the committee members.

The bill went sailing through the legislative committees and both houses, almost as though it had no substantial opposition. In fact, the measure was opposed by consumer groups, veterans, senior citizens, local governments, union organizations and others. The main supporters of the bill were the California Savings and Loan League and the California Association of Realtors. The measure was vetoed by Governor Brown, who protested that the homebuyer might be hurt by the bill. By this time, it was election season, and even the juice of the savings and loan organizations was not sufficient to override the veto.

A bitter battle

Perhaps the most bitter battle in recent legislative sessions pitted two of the industries — banks and independent insurance agents — that deal with the same committees, against one another. It was no contest. The insurance agencies defeated the banks handily on the issue of whether banks would be allowed to sell some forms of insurance. In these cases, the legislators on the committee often can't lose. Both sides start the juice machines flowing a little more generously than usual.

Over the years, the alcoholic beverage and horse-racing industries have been served well by the Governmental Organization committees. California has been reluctant to institute any new forms of gambling (lotteries, greyhound racing, jai alai), and the taxes on beer, wine and hard liquor have not been increased significantly. The blows suffered by the alcoholic beverage industries have come primarily from the courts.

From the standpoint of legislators, membership on a prime juice committee carries few risks. They can accept the campaign contributions without much fear that they will boomerang at election time. That's because the public in California seems to have shown little interest in the source of a candidate's financial support. And within the Legislature, there is little risk that the public will become concerned about any pro-financial institution voting pattern or a pro-alcohol industry voting pattern because the juice committees are not regular fodder for the press.

A great deal of sunlight shines on these committees only when a major consumer bill is being considered — such as the Foran mortgage proposal last year. Even then, there is usually such unanimity in the committees that individual members rarely are spotlighted for their votes.

Well-connected freshmen

Bruce Samuel, former executive officer of the Senate Rules Committee, worked for several years as consultant to the Assembly Transportation Committee under then-Assemblyman Foran. He feels that, in a sense, membership on a juice committee can cleanse a member for other legislative activity. Foran, for example, never had to concern himself with campaign contributions from the transportation interests that appeared before the committee he headed. That's because virtually all his campaign-finance needs were met through his membership on the Finance and Insurance Committee. As a result, Samuel felt that he and Foran could operate under almost ideal conditions, at least as far as fiscal pressure on the Transportation Committee was concerned.

At one time, membership on the main juice committees was limited to those in the power structure of each house and veterans who had paid their dues over the years. This is no longer the case. Freshman senators entering from the Assembly know how the money flows, and they immediately start angling for the right committees. Republican Jim Ellis of San Diego, for example, moved into the Upper House this session and was assigned to both the Banking and Commerce and the Governmental Organization committees. He won't have much trouble financing his next campaign.

In the Assembly, two first-term Republicans, Marian LaFollette and John Lewis, were appointed to the F&I committee. Two freshmen, Democrat Dom Cortese and Republican Nolan Frizzelle, serve on the Governmental Organization Committee. It is an axiom that an observer can determine which members are well connected within a house by the assignments to these committees.

But what is going to happen as more and more pressure develops from members who want to share in the generosity of the interests that provide juice for members of these committees? If the current trend continues, by the year 2000 all 80 members of the Assembly will be serving on the Finance and Insurance Committee. And in the Senate, the old Insurance and Financial Institutions Committee will have been divided into eight committees of five members each.

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The California Energy Almanac, 1980, by the state Commission for Economic Development. 480 pp., available for $10 from the Lieutenant Governor's office, State Capitol, Sacramento 95814. (Make check payable to the Commission for Economic Development.)

Protecting the California Environment: A Citizen's Guide, by Judy Orttung for the League of Women Voters of California, under a grant from Chevron USA. 107 pp., available for $3 from the League, 942 Market St., Suite 505, San Francisco 94102.

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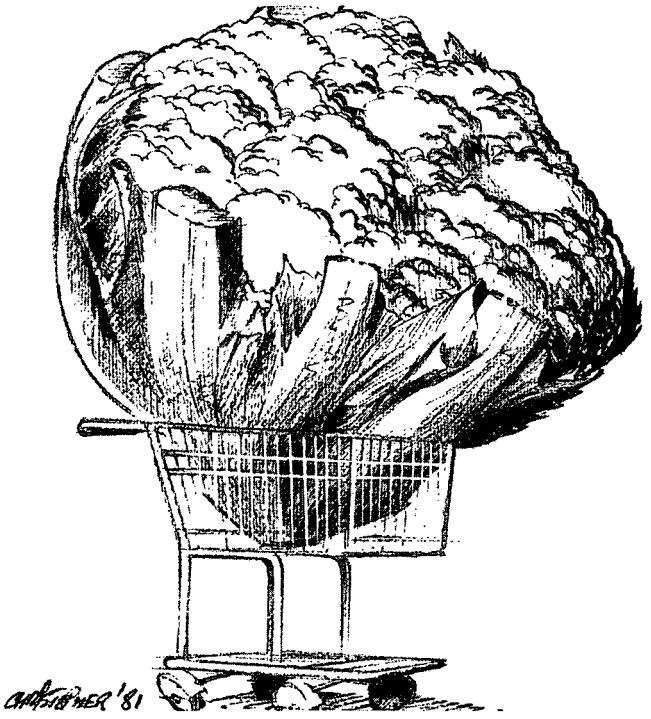
The great California cauliflower container challenge

By HELEN MANNING



California cauliflower growers are preparing for a fight over the state sizing requirements for the packing and shipping of their $71.3 million crop. Superficially, it's a battle over the conflicting needs of competing growers. But the state Department of Food and Agriculture's massive system of marketing regulation could get gunned down in the crossfire. Whether that's good or bad is a question guaranteed to provoke heated debate. For example:

"I think the bedrock question is, is this the role of government?" says Dave Cayton, vice president of operations for the nation's largest shipper of both cauliflower and lettuce, Bud Antle, Incorporated, of Salinas. "I agree you should regulate for worms and decay. But it's very hard to prove that public health and safety are being protected by regulating box size."

Richard Thornton, executive vice president of the Grower-Shipper Vegetable Association, disagrees: "I don't know any commodity group that would like to throw all the regulations out."

"Some of the regulations are not tight enough," says Bill Houck, supervisor of produce buyers for Safeway. "But throw the whole thing out and I think there'd be utter chaos."

And Harry Snyder, West Coast director for Consumer's Union, offers this view: "Quite simply, when we talk about eliminating unnecessary regulations, these are exactly the kinds of things we should be looking at. They provide no value to the consumer. They prevent the operation of the free marketing system, and they are costly."

Guards, not cops

Marketing regulation is the domain of DFA's Division of Inspection Services, Fruit and Vegetable Control. It has four statewide offices, a staff of 30 headed by Deputy Administrator Reg Marcellino, and a budget of about $1 million which comes out of the state's general fund.

In line with its mandate to protect the public health, safety and welfare, the division works with the county agricultural commissioners to inspect all produce for absence of insect injury, worms, mold and decay. That function draws no real dispute. But as an outgrowth of the same mandate, it also regulates more than 40 crops to ensure that containers in which they're shipped are of specified size and the produce inside is neither too large nor too small. It's a system — unique in the nation — that's evolved over the decades, with inconsistent results which Marcellino admits that even he can't quite explain.

Artichokes, for example, are among the lengthy list of fruits, nuts and vegetables that are extensively regulated; eggplant is checked for little more than mold and decay. Walnuts get maximum scrutiny; almonds and brazil nuts receive almost none. There are regulations galore for "naked," but few for wrapped lettuce. In cauliflower, it's the other way around. "It's one of the peculiarities of the industry," says Marcellino. "The commodity group that gave rise to it felt there was a need."

DFA has historically been industry-oriented, a private security guard for agribusiness rather than a consumer cop. Commodities that wanted more regulation could ask for and get it. Those that didn't ask were generally left alone. Now — because Bud Antle, Incorporated, finds itself fettered by sizing standards that most of the cauliflower industry want retained — that could change.

If the system does get shot down, members of DFA Director Richard Rominger's Consumer Advisory Committee will probably observe a moment of respectful silence — followed by three low-decibel cheers. The committee proposed in April 1979 that DFA's container and packaging standards be made permissive rather than mandatory, at least for intrastate sales. That proposal hit a stone wall of industry resistance, says Berkeley consumer activist Jeane Thom, whose idea it was. She finally called retreat, based on her assessment that it was a low-priority consumer issue that could only be won by a high-priority fight.

But Thom still questions whether regulating container size should be a government job. She's ready to serve as coat holder and rooting section if Cayton and the Antle corporation want to revive her crusade. Antle has been the industry pioneer of vacuum cooling, the first to experiment with "piggyback" railroad cars and the first to sign a Teamster contract for its farmworkers. Within the vegetable industry, Antle is known as a company that marches to its own drum-

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mer. A merger with the Dole pineapple empire of Castle and Cook apparently has not changed its independent tendencies.

Already a giant in lettuce, the Antle company decided to go into cauliflower at the time of its 1978 acquisition by Castle and Cook. Predictably, Antle again chose to break with prevailing industry practices that it judged obsolete. Among the first consequences was a request to DFA for a new box size to go with Antle's innovative method of field packing and palletized shipping. The request was granted, with only token resistance from other growers, who concluded that cauliflower-container coexistence with Antle made more sense than war.

Now Antle wants a change in the regulations that set the size and number of wrapped cauliflower heads that may be packed within the containers. The status quo system of size regulation dates back to the 1930s and relates the allowed number of heads per container to the head curd, or diameter. To pass inspection, heads must be sorted for oversize in some containers and for undersize in others. Antle would like that system replaced by a system of four minimum sizes, which Cayton says would actually give buyers more of the larger heads that shoppers seem to prefer. It would also — incidentally or not — be more attuned to Antle's larger cartons and field packing rather than shed packing.

Opponents contend it would lead to "jumble pack," a mix of sizes from which buyers would have no idea what to expect. "We'd be throwing out all the things put in to protect standardization . . . The industry is definitely against," says Bob Martin, whose Salinas-based Cel-A-Pak was number one in cauliflower until Antle entered the scene.

This time it's an either-or choice: Antle's way versus status quo. A few companies that also use Antle's box size and field pack might go with the Castle and Cook subsidiary. The rest of the industry can be counted on to resist.

The battle will begin with the request for an experimental marketing permit, which Cayton says his company will make this spring. Next would come the petition for a formal hearing on the proposed change. The final decision would be up to Rominger, based on findings of the hearing officer, and Cayton says he's confident his company can prevail on the facts.

But he confirms reports that Antle is at least weighing a challenge of the entire regulatory system should it lose. "It's always an option. I'm not prepared to say yet whether we want to go that far," Cayton says. From a produce industry perspective, the cauliflower controversy is argued as one of efficiency, profits and what kind of containers and product sizing will best meet market needs.

From a consumer standpoint, it poses different questions:

- **Does one method** offer public benefits over the other?
- **Should the question** require an answer from state government?
- **If not,** what makes the majority of growers determined to keep government in the act nonetheless?

A fair-trade technique

Old timers go back 20 years or more to explain — "but don't quote me" — how the size and container requirements came to be grafted upon inspection codes ostensibly concerned with plant disease and consumer health. Those explanations make clear that, whatever the rhetoric, the reality was the regulations' value in protecting shippers against competition within their own ranks. While the term makes both flinch, Marcellino and Thornton acknowledge that the regulations are a kind of crop-by-crop fair trade law.

Before regulation, it was not uncommon for aggressive shippers to sweeten a deal by offering the buyer a box of twelves — the industry's verbal shorthand for a dozen five-inch curd cauliflower — that in fact would contain 14 heads.

"To get business, they were giving away a bonus two heads. So they passed a law: If the inspector found 13 heads, he could reject the box as over-packed . . . 'policing' the industry," one old-timer explains.

"Self-regulation for the industry — and most of the buyers like it because it stabilizes things," Thornton says.

What's in it for buyers is uniformity, the confidence that a given container will hold cauliflower within an expected range of curd size.

California is the nation's biggest consumer as well as supplier of cauliflower, and cauliflower in most West Coast supermarkets is sold by the head rather than by the pound. "So we'd like standardization," explains Safeway's Houck. "If we have a carton of eight large and one small, the small one sits there and ends up having to be discounted or dumped."

Thom disagrees. The despised jumble pack is probably what customers should demand. The whole concept of grading produce by size is costly and unnecessary, she says. Consumers get better value where they can buy their vegetables and fruit by the pound.

Antle insists that it is not out to get the system. "The state people I find very reasonable . . . Reg Marcellino is a man I'm proud to have in government. The problem is, the department is saddled with a wide variety of laws. Some are defensible, some not," Cayton says.

A double mandate

Defending the indefensible is not what Marcellino sees as his role, as he is quick to explain. He's simply part of a department with a two-pronged mandate from the Legislature that dates back to 1915: ". . . promoting and protecting the agricultural industry of the state and . . . the public health, safety and welfare."

"Grower oriented? True in some respects, because they're the ones generally requesting the standards. They have an interest," says Marcellino. His staff may hold 15 hearings in an average year, and consumer groups rarely attend. "But to say we're oriented to agriculture to the exclusion of others, that's not true." FDA is historically concerned with both consumers and growers, and as consumer groups get more involved they influence the process too, he suggests.

Thom's aborted crusade of 1979 may be supporting evidence for his claim. Marcellino and Thom pushed it in tandem during a series of exploratory meetings with growers. "The response was, go back to the individual commodity groups," says Marcellino. He is pursuing that approach, in search of commodity groups that may be receptive to having container regulations cut back or eliminated.

A successful Antle challenge admittedly could render Marcellino's low-key crusade moot. Marcellino says he's unsure how such a legal shot would be aimed. It could be a sniper shot targeted strictly at product and container-size regulation, or a blunderbuss shot against all inspection.

"The challenge might come this way," he speculates: "Antle as a shipper could choose not to abide. The agricultural commissioner would tag them." The district attorney would then have responsibility for charging the county's largest grower with misdemeanor violation of the Food and Agriculture Code. The attorney general's office would probably enter the picture upon likely appeal from the Superior Court. "Beyond that I wouldn't want to speculate," Marcellino says.

Whether any of it actually happens, only time can tell. Thornton is among those inclined to minimize Cayton's comments as sabre-rattling, intended to help Antle get what it wants. "I doubt very much if they'd do it. It would cost a million bucks in legal fees — and it's a 90 - 10 shot."

Cauliflower grower Martin is not sure: "Can they get the whole system thrown out? They're big enough to do it."

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The comatose state of political reform

On February 1st, Tony Quinn left his post as a member of the state Fair Political Practices Commission and began work as a Republican redistricting specialist in the Assembly. In the following article, Quinn, a frequent Journal *contributor, offers his views on the state of the political-reform movement in California and the nation today.*

By TONY QUINN

PAUL DUGINSKI

Political reform is dead, as dead as old Jacob Marley. The undertaker has been called, the minister has said his last words, the grave diggers have been hired. But at least Marley's ghost came back to haunt Ebenezer Scrooge. The ghost of political reform is not likely to be seen again very soon.

Political reform was the charm issue of the mid-'70s. While the nation wallowed in Watergate and Nixon's bagmen went to jail, reformers worked to reshape the political landscape, both in Washington and in California. Six years later the results are in: They failed.

The federal campaign law passed in 1974 mandated public financing of presidential campaigns and imposed contribution and spending controls on congressional elections. California's Political Reform Act, Proposition 9, imposed a spending limit on statewide campaigns, limited gifts to politicians by lobbyists, and enacted a broad financial and campaign disclosure law.

The hosannas resounded: no more secret money in campaigns, no more shadowy special interests buying politicians. And, in fact, public disclosure has opened the process and shown how politics works; to that degree it has been successful. But disclosure was supposed to act as a deterrent by keeping dirty money out of campaigns. Here it failed. Once the process was opened up, unfortunately the public responded with a big yawn.

Reform groups like Common Cause concentrated on the influence of money in politics, what they viewed as the pernicious methods special interests use to get their way. Instead of taking money out of politics, they tried to take politics out of politics. In the end they did neither.

Cleansing the system

Politicians and interest groups found that disclosure of their campaign contributions had no practical effect. Those politicians who depended on special-interest contributions won re-election just as before. Those politicians who spurned the special-interest contributions, like former state Senator Arlen Gregorio, did not have enough money to run their campaigns, and they were defeated. So much for disclosure cleansing the system.

Reformers quickly saw that disclosure wasn't doing all they had hoped. All they had to do was look at the campaign statements; there was all the insurance, bank, oil and labor money, and in bigger amounts. So they turned their energy toward public financing of elections, with proposals for more controls on contributions and spending, and broad public funding of legislative and congressional campaigns.

In 1976, the U.S. Supreme Court got into the act with its famous *Buckley v. Valeo* decision which scrapped campaign spending limits as unconstitutional. The court left contribution limits in effect but said that a candidate could spend as much of his own money as he wanted and that independent groups could spend unlimited amounts on a candidate's behalf.

The *Buckley* decision so disrupted the process that now the impact of many of the reforms is exactly the opposite of what was intended. A wealthy candidate can spend all the money he wants getting elected; a poorer candidate has his contributions limited. Not surprisingly, there have been more wealthy senators and congressmen elected since 1974. Special-interest groups can make unlimited independent expenditures, while party organizations are limited in what they can do.

Independent presidential candidates like John Anderson get no guaranteed public funding. This helps major party presidential candidates — at the very time the public says it wants less party control of candidate selection.

Anderson is a good example of a reformer facing reality. As a congressman, he was a prime sponsor of financial limits and public financing of campaigns. But when he became a

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presidential candidate, he found the system he helped create was stacked against him. Carter and Reagan got public money for their campaigns; he didn't. So reformer Anderson tried to circumvent the financial controls because his campaign was going broke and he couldn't compete against Carter and Reagan. The public watched the Anderson crusade sink into the horizon while he complained about the unfairness of the very system he helped shape — a grand example of reform consuming its own.

Fortunately for California, the *Buckley* case wiped out the expenditure limits in state law and relieved California candidates of these arbitrary controls. At the time of *Buckley*, the California Fair Political Practices Commission, the agency created to oversee campaign laws, had spent a year trying to draft regulations on expenditure limits. The result was a bizarre set of rules the FPPC privately admitted no one could understand. With *Buckley* they all went out the window.

This left the California agency with solely a disclosure law, and the Legislature has resisted efforts by the FPPC to expand the law by placing restrictions on personal use of campaign funds or conflicts of interest involving campaign contributors. Because its powers are now limited to disclosure rules, the FPPC has been able to go about its business with minimal internal discord or partisan bickering.

California's law mandates full disclosure of campaign funding, the personal financial interests of office holders and lobbyist expenditures. The only prohibitions in the state law involve lobbyists giving gifts to elected officials and officials making decisions if they have a financial interest in the results.

Federal trivia

Despite its title, the California law really is not political reform as much as it is sunlight into the political process. California, for instance, does not try to restrict the flow of money in or out of politics. Limitations on the power of the state FPPC has kept it generally neutral as to the political process. That's not the case on the federal level, where the Federal Election Commission is viewed by many as disruptive bureaucratic busybodies.

Throughout its six-year history, the Federal Election Commission has been mired in partisan squabbling and fights with Congress. Congress several times has clipped the FEC's wings because of disputes, and the agency has often become bogged down in trivia.

The fault is, however, not entirely with the FEC; the law it administers is a mishmash of conflicting rules and prohibitions. Corporations and unions are not supposed to make campaign contributions, so they have gone about forming Political Action Committees (PACs) which give them an easy mechanism to put money into campaigns. There is now far more corporate and labor money in federal campaigns, measured in the hundreds of millions of dollars, than before the 1974 reforms. The influence of organized interest groups is far greater than it was before the reformers started tinkering with the process.

The law permits a PAC to distribute up to $5,000 per election, while individuals are limited to the $1,000 level. Consequently there is far more PAC money than private money in elections now, and virtually every interest group under the sun has formed its own PAC.

The clear beneficiaries of the federal campaign laws have been the Republicans — an amusing irony since the GOP opposed most of the reforms. But Republicans found it much easier to tap the PACs than the Democrats, and the PAC system has created a virtually bottomless pit of business-oriented campaign money. The $1,000 contribution limits took wealthy liberal fatcats out of funding federal campaigns, but made it easy for right-wing mailhouses to raise millions through the mails.

Republicans found that huge campaign war chests could be raised in small amounts by direct appeal, generally to people strongly moved by a conservative social message. The New Right's favorite senator, Jesse Helms, raised more than $6 million for his re-election campaign in 1978, almost all of it through direct mail. Helms swamped his Democratic opponent.

In 1980, the GOP used the mails to raise the millions needed to knock off 12 Democratic senators and to take control of the Senate for the first time in a quarter-century. The Democrats do not have a ready-made pool of small contributors, and the Democratic National Committee was able to raise only a fraction of the funds the Republicans raised.

The GOP also found that public funding of presidential campaigns meant the presidential nominee did not suck up all the political money as in past years. One reason the GOP did so poorly in 1972 despite the Nixon landslide was that his campaign absorbed all the Republican money and there was little left for local and congressional candidates. This time there was plenty.

The law allows party organs to give above the contribution limits, and independent committees to spend with no limit. The Republicans made these advantages work for them. The GOP gave its senatoral candidates hundreds of thousands of dollars, and GOP-oriented independent committees raised more than $12 million for Reagan and party candidates. The Democrats lack similar money machines in their party, and on election day they paid the price.

With Republicans in control of the White House and the Senate, the question arises whether they will attempt to scuttle or reshape these reforms. It's not likely; the GOP always has claimed that campaign reform accrue to the benefit of incumbents, and this is their chance to prove it. Republicans may attempt to choke off PAC money going to Democrats. PACs give what they call "access" money — funds to "the powers that be." Now that the GOP is in control, it could try to cut off these funds.

Richardson's apparatus

In California, the master of the direct-mail approach is state Senator H. L. Richardson, who has modeled his gun owners' fund-raising apparatus after the national conservative models. Democrats would love to cripple Richardson's fund-raising operation, but they can't figure out how.

It's ironic that the primary California beneficiary of these so-called liberal reform laws is the conservative Richardson. But there's no doubt he has made the best use of the opportunities opened up by the new campaign laws. Among the Democrats whom Richardson has helped defeat are three of California's biggest backers of reform: former state Senators Gregorio, John Dunlap and Albert Rodda. Each of these Democrats was a campaign reform advocate, and each lost partially because of it.

Machiavelli would doubtless laugh if he could see what the reformers have done to themselves, because they overlooked one of his basic lessons: Before you tinker with a political system, you'd better understand how it works. He would have loved last summer's Democratic convention.

Parallel to the campaign reforms was the party reform binge the Democrats went on after 1968. They stripped the party bosses of power and made the primaries the sole determining factor in nominating a president. Then came 1980. Jimmy Carter won the primaries without once leaving the Rose Garden, but by convention time it was clear the Democrats faced a monumental disaster if they stuck with him.

The Democratic professionals were no fools; they wanted to nominate anybody but Carter. The convention screamed its lungs out for Kennedy. But the party reforms dictated Carter's nomination, and among those scalped at Carter's

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last stand was U.S. Senator George McGovern, the author of the Democratic reforms.

Little wonder that the only liberal to make it back to the fort this year, California Senator Alan Cranston, called for junking many of the Democratic reforms and returning power to party leaders in a January speech to the Democratic state convention. "The bosses gave us Roosevelt, Stevenson and Kennedy; the people gave us McGovern and Carter," noted writer Richard Goodwin after the election. So the party of Jim Farley and Dick Daley has decided the smoke-filled room isn't so bad after all.

Campaign reform not only helped emasculate the Democrats; it also has effectively taken people out of the political process. The presidential general election is publicly financed, and as a result, for the second election in a row, volunteers and party workers have been virtually irrelevant to presidential campaigns.

With limited campaign funds, candidates no longer have money for people-oriented campaign tools such as buttons, bumper stickers and balloons. Instead they fly around the country staging media events and making television commercials. Most of their money goes into television.

Commented a Reagan veteran this year, "In '64 there were Goldwater-for-president committees popping up all over the country. You could start one yourself and work for him without any coordination. You can't do that now. The regulations put a real damper on volunteer activities on behalf of a candidate."

Some people did try to form independent Reagan committees this past year, to raise money from the GOP faithful and through the mails. But Common Cause, joined by the Carter-Mondale committee, went into court to stop them, claiming the independents were not "autonomous" enough. The courts said people still have the right to participate in politics, Common Cause notwithstanding.

"Citizens -- and their money — are being driven out of the process, gradually being replaced by a new American elite of lawyers, accountants and bureaucrats," wrote Californian Richard Reeves a year ago. The 1980 election certainly proved his point.

Political reform has failed on the federal level, and the whole mechanism ought to be junked — public financing, the limits and all. But given the inertia of bureaucracy, it probably won't be, even with the Reagan Administration's philosophical opposition.

Thankfully we have neither campaign controls nor public financing in California, and both the Legislature and the Fair Political Practices Commission has turned down Common Cause entreaties to support them. Any hopes for broad campaign reform in California died in 1980, killed by two of reform's erstwhile friends, Leo McCarthy and Howard Berman.

Behind the original calls for reform had been a felt need to reduce the amount of special-interest money going into campaigns. Yet 20 years ago, a decent legislative campaign probably cost no more than $10,000. Even in 1974, a good campaign could still be run on $30,000. The averages shot up in 1976 and 1978, but in 1980 they hit the jackpot. The McCarthy-Berman speakership contest spawned the greatest campaign-funding arms race in history. Before it was over, $35 million had been spent on legislative elections.

The speakership contest, fueled almost exclusively with special-interest money, proved one thing: There is an unlimited pool of campaign money in California. McCarthy and Berman became the first California legislators in history to raise a million dollars in special-interest money.

They took advantage of the bottomless pit, struggling for the speakership in a bitter personal contest in which no holds were barred. Yet these two men were once among the loudest advocates of controlling special interest money in politics.

In 1976, Berman introduced a public financing bill with strict limits on the amount of money that could be spent in campaigns. The following year McCarthy told the FPPC at a hearing, "I proposed limitations on the size of campaign contributions . . . We will begin to equalize the opportunities of all persons to run for elective office and decrease the advantage of those who possess large personal wealth or who have access to large contributions."

Berman's bill would have limited the total amount a person could contribute to state campaigns to $2,500. Berman personally contributed more than $100,000 to favored candidates in 1980. And McCarthy used his "access to large contributors" over and over to amass his 1980 war chest.

Political reform, if not dead, is certainly in a terminal coma. The reformers forgot the one political reform that really does work: the public's willingness to "toss the bums out" when its patience runs thin. Unfortunately for a variety of liberal reformers, they were among those tossed out in 1980.

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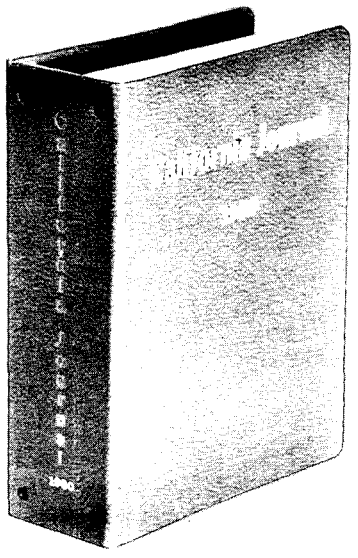

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TALE OF THE GRANPOLITICS OF CALIFORNELOT

What follows is a fairy tale. Like an Aesop's fable, it is strictly for the enjoyment of the reader and not to be taken seriously, especially by teachers, firefighters and legislators.

By Ed Salzman and Luana Luther

Once upon a time, there was a golden land called Californelot where life was "laid-back" and money flowed readily from the granwizard to all the lesser-wizards, who provided assistance and amusement for their subjects. Suddenly, an evil magician named Jargan cast a dark spell upon the land. The money, which had been so plentiful in the granpublic coffers, began to disappear. The wise wilywizards in the grangovernment began to worry about how they were going to fund the programs that the citizenry had demanded.

So these wilywizards of the west began to search and even to think about ways to stretch tax dollars without asking the burdened populace for more. They paced back and forth in their newly decorated chambers and lamented about the dearth of pots. During a particularly thoughtful pace, one of the wilder wilywizards began to come up with a plan.

At this time, there were subjects hired by the grangovernment to educate the young. They were called teachers. They were employed to instruct their charges to read and compute and be producers and consumers. By various devices, including the development of their own language, they gained so much power that they had only to work some 176 days each year.

There also were citizens hired by the same grangovernment, albeit a different branch, to extinguish fires when they occurred. These subjects were called, rather appropriately, firefighters. They too were able, over the years, to obtain a favorable duty schedule. The more time off they won, the more time they obtained to campaign for more time off. As a result, their duty schedule required only nine days a month of actual firefighting time.

A ludicrous notion

After thinking about these two groups of citizens for a time, the wild one summoned his cowizards into a secret meeting room for a conference. After checking the security of the room, he blurted out his idea: "Why not take the two classes of public employees who spend the fewest days on the job and combined them?" The average Californelot laborer spends something like 240 days a year on the job, but a teacher and a firefighter combined work only a few more. Enough money could be saved," the wild wilywizard argued, "to save all the public service programs of Californelot without facing the dreaded alternative of increased taxes."

Luana Luther wrote "The California Code Amusement Park" in the December 1980 Journal.

Normally, the council of granelders would not have even gathered around the Round Table in Sacamelto to consider such a wacky scheme. After all, both the firefighters and the teachers — among the most armored tribes in the land — would be incensed and inflamed at the merest suggestion of a shotgun marriage between their clans. Moreover, they had won their work-schedule benefits through the sacred ritual of collective bargaining.

But Jargan's spell hung heavily over the grancapitol. Even the most ludicrous of notions had to be entertained by the wilywizards. The wild one was told to present his hopeless case.

The wildest of the wilywizards opened by responding to the obvious claim of those who would be forced to change their lifestyles (or look for new jobs) if his scheme were to be adopted: "No one would take a cut in pay. In fact, we might even be able to afford pay raises for all employees in the realm. No one would be forced to work more than a 40-hour week. Teachers need time to prepare and to read papers. Why can't they do that while they are sitting in the firehouse waiting for an alarm? Firefighters are on duty for 24 hours at a time, and they spend a great deal of their time sleeping and eating and wizardknowswhat. Why not have them spend their time either fighting fires or teaching kids?"

The granelders were not convinced. They knew that the obstacles were immense. The granspeaker glanced at his colleagues and was about to call for a return to pacing about the chambers without further discussion of the wild wilywizard's proposal. But then he noticed a certain glint in the eye of the granwizard of transportation.

Hesitantly, the transport granwizard started to speak. He knew he might lose prestige and his chance to win a more prestigious leadership post if he provided substance to the wild one's proposal. But he was a woeful wizard. "As you all know," he mumbled, "the biggest problem in Southern Californelot these days is the issue of moving school children between the patrician and plebeian sections of Angel City. Nobody wants to ride the bus. I hate to admit this, but I've been thinking that we could rig the fire engines with seats and use them to transport the kids to and from school. If there should be a fire, what kid wouldn't want to see it? And every kid in Angel City would volunteer to be engined across town every day."

For a moment, most of the granwizards took their minds off their plans for the evening and starting thinking seriously about the proposal. The granwizards would grab at almost anything to end the conflict in Angel City. But could seats really be put on fire engines? Would kids actually clamor for the opportunity to be engined?

Up spoke the granwizard of finance: "Some very strange doodles have appeared on my pad during the past few minutes. I've found myself thinking some outrageous things. Since that evil sorcerer, Jargan, started stirring up the hinterlands, we have had no money for the construction of public buildings. By putting firehouses and schools together, we would have a surplus

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of granpublic space. And think of all the property we would be able to sell. We might even be able to put a few more golden touches on the grancapitol.

"And then I found myself making notes about the cost of personnel. We have a large debt in some of our pension plans. By merging teachers and firefighters, the retirement systems would become solvent overnight. And then there's the taboo subject of the number of chiefs and administrators in the educational and firefighting services. We could get rid of some administrators and senior officers, vastly improving the chief-indian ratio."

The granwizards' response

The granspeaker now noticed that almost all of his colleagues wanted to talk. In rapid order, out came these comments:

From the granwizard of the constabulary: "This could end the school vandalism problem because there would be around-the-clock coverage of the schoolhouse/firehouse. And we would have fewer discipline problems because each teacher would carry a macho image (and an axe). We could save a granbundle by taking our grancops out of the high schools."

From the granwizard of energy: "Think of all the gas that would be saved on the miles now spent taking kids on field trips to the firehouse."

From the granwizard of licensing: "We could get just about every bicycle in the land registered. Then, when kids reach 18 in high school, we could register them to vote right there in the s/f house."

Reluctantly, from the granwizard of safety: "My people will burn me at the stake if they find out I said this, but kids would become fanatics about fire protection. False alarms would be reduced. Fire insurance rates would drop. We would even develop a supply of volunteers in the high schools to help during emergencies."

Even more haltingly, from the granwizard of education: "I'll be stripped of my Phi Beta Kappa key for saying this, but kids would love to go to school in a quasi-firehouse atmosphere. They could even be rewarded for good behavior by being allowed to slide down the firepole. And just maybe this can help us fight off those dangerous Voucherites from Berserkeley."

Probably the most compelling argument came from the granwizard of the law, who pointed out that the despots of the Potomac had thrust upon Californelot a statute known as Title IX. In effect, it required grangovernments to eliminate sex discrimination in employment.

"Think of it," said the legal wizard. "We have in teaching a traditional feminine profession. And we have in firefighting a traditional masculine profession. By merging them, we would set an example for the grangovernments and grantraders of the world in the elimination of barriers between the sexes. We already know that men can teach and women can handle a hose. Why can't they do it together?"

A secret burial

An eerie silence fell over the room. Based on logic and economics, the wild wilywizard's plan should have been adopted forthwith and by acclamation.

But the wizards at the Round Table were not called granelders for nothing. They had not grown long political beards by sticking their heads within reach of sharp swords very often.

Finally, the granspeaker expressed the sense of the meeting: "We all recognize the theoretical merits of the wild one's case. But it must be rejected by unanimous vote and for one simple reason. If we vote for this proposal, we won't be sitting here much longer than it takes some public employees to raise funds for our opponents." Even the wildest of the wilywizards of the west nodded agreement that his own brainchild should be given an immediate burial. Word of the wild one's proposal never left that room, because the wilywizards knew they would pay a heavy price if the scheme ever became part of Jargan's jargon.

Even in fairy tales, politics apparently must reign supreme.

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CHARTING THE LEGISLATURE

The following is a list of significant bills pending before the Legislature in mid-February.

AGRICULTURAL LABOR

SB 50 (CRAVEN)/AB 34 (LEHMAN). Repeals the state's Agricultural Labor Relations Act and enacts a new law similar to the federal Labor-Management Relations Act *(SB 50 is in the Senate Industrial Relations Committee; AB 34 is in the Assembly Labor and Employment Committee.)*

ADMINISTRATIVE REGULATIONS

SCA 3 (BOATWRIGHT)/SCA 4 (CARPENTER)/SCA 6 (CAMPBELL)/ACA 2 (JOHNSON)/ACA11 (McALISTER). Constitutional amendments authorizing the Legislature to invalidate proposed state agency regulations *(Senate measures are in the Senate Rules Committee; Assembly measures are in Assembly Constitutional Amendments Committee.)*

BEVERAGE CONTAINERS

SB 4 (RAINS). Requires beverage containers for beer and soft drinks sold after April 1st, 1983, to have a refund value of not less than 5 cents *(Senate Natural Resources and Wildlife Committee).*

COURTS

ACA 16 (McALISTER). Constitutional amendment which would overrule the state Supreme Court's "independent state grounds doctrine" so that in criminal cases California courts would be bound by U.S. Supreme Court rulings *(Assembly Criminal Justice Committee).*

ACA 21 (WYMAN). Constitutional amendment to require Senate confirmation of the governor's appointments to the state Supreme Court and courts of appeal *(Assembly Judiciary Committee).*

CRIMINAL JUSTICE

AB 386 (D. STIRLING). Prohibits the use of sentence bargaining in cases involving certain felonies *(Assembly Criminal Justice Committee).*

SCA 10 (PRESLEY)/ACA 14 (McALISTER). Constitutional amendments requiring judges to consider the public's protection as the primary factor in determining whether to grant or deny bail. *(SCA 10 is in the Senate Judiciary Committee; ACA 14 is in the Assembly Criminal Justice Committee.)*

AB 88, 89, 90, 91 (NOLAN). Would make it illegal to drive with a blood-alcohol level of .10 percent or more, prohibit all sentence bargaining in drunk driving cases, and increase penalties for conviction of drunk driving *(Assembly Criminal Justice Committee).*

AB 237 (ROBINSON)/AB 246 (GOGGIN). AB 237 provides for the submission of a $150 million bond act to voters to finance state prison construction; AB 246 provides for the submission of a $650 million bond act for state prison construction and assistance to law enforcement agencies *(Assembly Criminal Justice Committee).*

ELECTIONS

AB 9 (JOHNSON). Would call a special election June 2nd, 1981, to vote on the implementation of SB 200 of 1980 which authorizes the construction of the Peripheral Canal and other water facilities *(Assembly Elections and Reapportionment Committee).*

EMPLOYMENT

AB 1 (AGNOS). Prohibits discrimination in employment on the basis of a person's sexual orientation *(Assembly Labor and Employment Committee).*

AB 6 (GOGGIN). Revises state civil service system to provide for a merit pay system, eliminate automatic salary adjustments, and establish performance standards *(Assembly Public Employees and Retirement Committee).*

AB 161 (DEDDEH). Would authorize the payment of interest on funds appropriated for state employee salary increases which were not disbursed for one year due to litigation *(Assembly Public Employees and Retirement Committee).*

SB 64 (CRAVEN) AB 291 (HANNIGAN). Provides that the prohibition against sex discrimination in employment shall not affect the right of an employer to give preference to veterans or use veteran status as a factor in hiring. *(SB 64 is in the Senate Industrial Relations Committee; AB 291 is pending in the Assembly Labor and Employment Committee.)*

ENVIRONMENT

ACA 20 (D. BROWN). Constitutional amendment to abolish the California Coastal Commission *(Assembly Constitutional Amendments Committee).*

HEALTH CARE

SB 179 (CAMPBELL). Broadens application of 1980 law legalizing the limited use of laetrile by permitting any medical doctor to prescribe laetrile for cancer patients diagnosed as terminal *(Senate Health and Welfare Committee).*

SB 154 (SCHMITZ). Requires parental consent or a court order prior to an unmarried minor's undergoing an abortion *(Senate Health and Welfare Committee).*

LAW ENFORCEMENT

AB 202 (PAPAN). Augments California Highway Patrol's budget by $38.7 million to increase the number of CHP officers by 670 over a two-year period *(Assembly Transportation Committee).*

LEGISLATIVE PROCESS

SCA 2 (BOATWRIGHT)/SCA 9 (GARAMENDI)/AB 17 (YOUNG)/ACA 17 (BERGESON). Prohibits the payment of legislator's salaries if the annual deadline for passing the state budget is not met. *(Senate measures are in the Senate Rules Committee; AB 17 is in the Assembly Rules Committee; ACA 17 is in the Assembly Ways and Means Committee.)*

PUBLIC FINANCE

SB 111 (ALQUIST)/AB 251 (VASCONCELLOS). Budget balancing measures to reduce the annual cost of various public programs through the elimination of certain cost-of-living increases in health, education, and welfare appropriations, the revision of the property tax allocation system, a reduction in local government subventions, and other measures. *(SB 111 is in the Senate Finance Committee; AB 251 is in the Assembly Ways and Means Committee.)*

SMOG INSPECTION

SB 33 (PRESLEY)/SB 87 (MONTOYA). SB 33 requires state to adopt annual vehicle emission inspection and testing program for most areas of California; SB 87 would implement periodic vehicle emission inspection and testing program *(Senate Transportation Committee).*

STATE AGENCIES

AB 24 (JOHNSON)/AB 54 (FILANTE)/AB 143 (HALLETT)/SB 26 (CAMPBELL). Provides for the termination of state regulatory agencies unless legislation is enacted to continue their existence. *(Assembly measures in the Assembly Governmental Organization Committee; SB 26 is in the Senate Governmental Organization Committee.)*

TAXATION

AB 80 (ROGERS). Repeals inheritance and gift taxes and imposes an estate tax equal to the federal estate tax credit for state death taxes *(Assembly Revenue and Taxation Committee).*

AB 4 (DEDDEH)/AB 16 (VASCONCELLOS)/AB 101 (BERGESON)/AB 117 (RYAN)/AB 231 (D. BROWN). All of these measures revise state income tax indexing *(Assembly Revenue and Taxation Committee).*

TRANSPORTATION

SB 215 (FORAN). Increases state gasoline tax by 2 cents per gallon and increases drivers' license fees, truck weight fees, and vehicle registration fees *(Senate Transportation Committee).*

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By Leo Rennert

The Senate stampede

The 1982 U.S. Senate contest in California is under way with a firm consensus in both parties that Republican Senator S. I. Hayakawa is a lame duck. Democratic and Republican challengers are mapping strategy as if Hayakawa were a political non-person — a fading figure about to vanish into thin air. There's a widely shared assumption that the 74-year-old incumbent soon will face reality and decide to retire gracefully — perhaps by accepting an ambassadorial post from President Reagan. Or, if he's going to be stubborn about it, the current political wisdom is that he'll simply be eliminated in the GOP primary by younger and more vigorous opponents.

"At the age of 76, Sam Hayakawa would be a sure loser against Jerry Brown," says GOP Congressman Paul McCloskey of San Mateo County, who's ending a maverick career in the House of Representatives and concentrating his energies on the Senate race. Another Hayakawa challenger in the congressional delegation, Barry Goldwater Jr., reports that many Republicans are skeptical about the senator's insistence that he's running, come what may, for a second term.

HAYAKAWA HAS ONLY HIMSELF to blame for such perceptions — although some of his staff people would have you believe that he's the victim of a liberal cabal that has been waiting all these years to pay him back for snuffing out a radical uprising at San Francisco State University during the Vietnam protest era. Hayakawa's troubles are not due to any revenge plot, but to his inability to make a solid mark in the Senate and to a failure to expand his political base in California. The senator may be charming, intellectually stimulating, occasionally provocative in challenging Establishment foibles. But he's also politically naive and an easy target for rapacious sharks who are now closing in.

Prospective challengers smelled blood when Hayakawa said in an interview last year that he would bow out if Reagan and GOP leaders came to him and asked him to step aside for the good of the party. The senator stressed he didn't expect such pressures and fully intended to run for re-election. But his candid answer to a hypothetical question of whether he would place party loyalty ahead of personal ambition has haunted him ever since. The rumor mill on the political circuit quickly generated a host of Machiavellian tales about how Hayakawa's departure from Capitol Hill was going to be arranged.

There's just one problem with all this fascinating backstage intrigue: At this point, there's not one shred of evidence to back it up. The Reagan White House is much too busy worrying about the fate of the president's economic package in Congress to pay much attention to internal party affairs. The president, in fact, has taken himself out of partisan activities to the point that some GOP insiders are grumbling that he's not paying enough attention to his role as party leader. Says Hayakawa: "There are no pressures, not a bit. They're all so proud of me."

Reagan has kept a fair distance from the senatorial ambitions of his daughter, Maureen, who also has been nipping at Hayakawa's heels. The White House may not be eager to have a Reagan on next year's California ballot and see Maureen become the vehicle for a referendum of her father's performance.

Nevada Senator Paul Laxalt, the president's closest confidant on Capitol Hill, is discouraging speculation that the White House may pull the rug from under Hayakawa. "As far as all the Reagan people are concerned, Hayakawa has been a good soldier," says Laxalt. "He is a very effective senator. I know he has a low profile and he's gotten some unfortunate publicity. But I hope his political position will strengthen under the Reagan Administration and with Republican control of the Senate."

That, of course, is also Hayakawa's fervent hope. The reason his legislative accomplishments have been so meager for the last four years, he argues, is that the Democrats controlled the Senate. But now that Republicans are in the driver's seat and he is chairman of three subcommittees, Hayakawa predicts all this will change. By projecting an air of feisty optimism, he hopes to slow the stampede for his seat. As the 1982 race gets under way, he's clearly the underdog. But it's much too early to count him out.

Many powerful Republicans in California are still sitting on the sidelines, waiting to see how the contest shapes up. They are by no means ready to throw Hayakawa overboard. Goldwater, who must be rated the front-runner for the GOP nomination, reports that influential members of Reagan's "kitchen cabinet," business people and state party leaders are "holding back" from hard commitments. "Not everybody is jumping aboard other bandwagons," he concedes.

Hayakawa also may benefit from the fact that would-be challengers in both parties have their own problems and weaknesses. There are no giants in this contest. Goldwater, despite the magic of his name, has acquired the reputation of a political Hamlet who flirts with the idea of running for statewide office, only to fold his tent at the first sign of a real battle. McCloskey still has not been forgiven by Nixon loyalists for running against Nixon in 1972. Moreover, his liberal position on abortion, homosexual rights and gun control is not bound to endear him to GOP conservatives. On the Democratic side, Jerry Brown appears to have the Senate nomination for the asking. But he could be in some trouble if the 1982 general-election campaign turned into a referendum on Brown's performance — instead of Reagan's.

McCLOSKEY, WHO HAS LITTLE TO LOSE from taking direct shots at Hayakawa, is hammering away at the incumbent's age and other weaknesses. "When Hayakawa is awake, he's a breath of fresh air," says McCloskey. Goldwater is more circumspect because he doesn't want to antagonize Hayakawa's conservative backers. He plans to handle Hayakawa "very delicately." Says Goldwater: "I'm not running intentionally against Hayakawa. He has not done the best job. I can do a better job. That's what it gets down to."

But that's only the first round.

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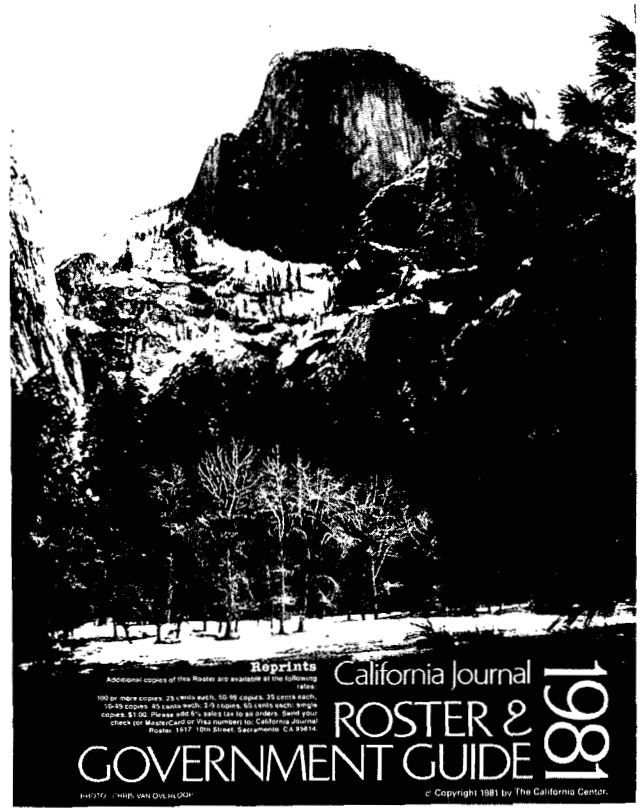

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— Thomas Jefferson

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